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Title 3—THE PRESIDENT

Proclamation 3512

PROCLAMATION OF A TRADE AGREEMENT SUPPLEMENTARY TO THE GENERAL AGREEMENT ON TARIFFS AND TRADE CONTAINING CON- CESSIONS COMPENSATORY FOR CERTAIN ESCAPE CLAUSE ACTION

By the President of the United States of America

A Proclamation

PART I—PURPOSE

PART II—IDENTIFICATION AND JUSTIFICATION

- (1) Identification of Agreement
- (2) Requisite Findings and Determinations and Applicable Procedures regarding Agreement
 - (a) Prior Findings
 - (b) Compliance with Procedural Requirements
 - (c) Determination that Certain Rate Decreases will Simplify Computation
 - (d) Determination Respecting Ad Valorem Equivalents of Certain Specific Duties
- (3) Determination that Proclamation Required or Appropriate to Carry Out Trade Agreement

PART III—PROCLAIMING PART

- (1) Carrying Out Trade Agreement
- (2) Conditions to Which Proclamation is Subject

PART I—PURPOSE

The purpose of this proclamation is to carry out a trade agreement supplementary to the General Agreement on Tariffs and Trade,¹ of October 30, 1947 (61 Stat. (pt. 5) All; which agreement is hereinafter referred to as "GATT"), consisting of an agreement signed with the United Kingdom providing concessions compensatory for certain escape clause action taken by the United States.

PART II—IDENTIFICATION AND JUSTIFICATION

(1) *Identification of Agreement.* After making the requisite findings and determinations and complying with the applicable procedures, as indicated in paragraph (2) of this part, and during the period specified in section 257(c) of the Trade Expansion Act of 1962 (P.L. 87-794, 76 Stat. 882), the President through his duly empowered representative has entered into a trade agreement supplementary to GATT consisting of the agreement of December 10, 1962, between the United States and the United Kingdom Supplementary to GATT. This supplementary agreement includes a schedule of United States concessions. Such schedule provides that the rates set forth in column A therein shall become initially effective on the day provided therefor in the proclamation to carry out the provisions of the schedule. A copy of this agreement is annexed to this proclamation.²

(2) *Requisite Findings and Determinations and Applicable Procedures Regarding Agreement.* Prior to entering into the trade agreement identified in paragraph (1) of this part:

(a) *Prior Findings.* The President found that certain existing duties or other import restrictions of the United States or of foreign countries which are contracting parties to GATT, including the United Kingdom, were unduly burdening and restricting the foreign trade of the United States, and that the purposes of section 350 of the Tariff Act of 1930, as amended (19 U.S.C. 1351), would be promoted by entering into such trade agreement.

¹ This agreement was proclaimed by Proclamation 2761A of December 16, 1947 (61 Stat. (pt. 2) 1103), which proclamation has been supplemented by subsequent proclamations.

² This agreement, including the schedule of concessions annexed thereto, will be published in Treasury Decisions (Customs) with this proclamation. It will also be published by the Department of State in Treaties and Other International Acts Series (TIAS), and eventually in United States Treaties (UST).

(b) *Compliance with Procedural Requirements.* Reasonable public notice was given of the intention to conduct trade agreement negotiations under GATT with the governments of the foreign countries referred to in subparagraph (a) of this paragraph. Views presented by interested persons have been received and considered. Information and advice with respect to such negotiations has been sought from the Departments of State, Agriculture, Commerce, and Defense, and from other sources. Pursuant to section 3 of the Trade Agreements Extension Act of 1951, as amended (19 U.S.C. 1360), the President transmitted to the United States Tariff Commission for investigation and report lists of all articles imported into the United States to be considered for possible modification of duties and other import restrictions, imposition of additional import restrictions, or continuance of existing customs or excise treatment in trade-agreement negotiations with the governments of the foreign countries referred to in subparagraph (a) of this paragraph. The Tariff Commission made the investigations and reports of its determinations pursuant to section 3 within the time specified therein.

(c) *Determination that Certain Rate Decreases Will Simplify Computation.* The President has made the determination provided for in section 350(a)(3)(D) of the Tariff Act of 1930 that certain modifications of existing duties hereinafter proclaimed in part III of this proclamation, which reflect decreases in rates of duty exceeding the decreases specified in section 350(a)(4)(A) or (B), will simplify the computation of the amount of duty imposed with respect to the articles concerned.

(d) *Determination Rejecting Ad Valorem Equivalent of Certain Specific Rates.* The President has made the determination respecting the ad valorem equivalent of the specific rate of duty (or combination of rates including a specific rate), and respecting the representative period, under the authority of section 350(a)(3)(D) and (4)(A) of the Tariff Act of 1930, as amended, by reference to section 350(a)(2)(D)(ii) of that act, in the case of each modification of an existing duty proclaimed in this proclamation for which such a determination was relevant, using, to the maximum extent practicable, the standards of valuation contained in section 402 or 402a of the Tariff Act, as amended (19 U.S.C. 1401a or 1402).

(3) *Determination that Proclamation Required or Appropriate to Carry out Trade Agreement.* I determine that the modifications of existing duties and other import restrictions of the United States, the additional import restrictions, and the continuance of existing customs and excise treatment of articles imported into the United States proclaimed in part III of this proclamation will be required or appropriate to carry out the trade agreement identified in paragraph (1) of this part.

PART III—PROCLAIMING PART

NOW, THEREFORE, I, JOHN F. KENNEDY, under the authority vested in me, as President, by the Constitution and statutes, particularly section 350 of the Tariff Act of 1930, do proclaim that:

(1) *Carrying Out Trade Agreement.* Subject to the provisions of paragraph (2) of this part, there are hereby made effective the modifications of existing duties and other import restrictions of the United States, the additional import restrictions, and the continuance of existing customs or excise treatment of articles imported into the United States specified or provided for in the general provisions of, and schedules of United States concessions annexed to, the agreement identified in part II(1) of this proclamation, as follows:

(a) Each rate of duty or import tax specified in column A at the right of the respective description of products in the schedule of United States concessions: as to articles entered, or withdrawn from warehouse, for consumption on and after January 1, 1963.

(b) Each rate of duty or import tax specified in column B at the right of the respective description of products in the schedule of the United States concessions to such agreement: as to articles entered, or withdrawn from warehouse, for consumption on and after the appro-

priate date determined in accordance with the provisions of the General Notes at the end of that schedule.

(c) The provisions of the agreement to which this paragraph relates other than the rates to which subparagraphs (a) and (b) of this paragraph relate: on and after the date provided for in subparagraph (a) of this paragraph with respect to certain rates in the schedule of United States concessions annexed to that agreement.

(2) *Condition to which Proclamation is Subject.* The provisions of paragraph (1) of this part are subject to the following:

(a) The applicable terms, conditions, and qualifications set forth in the agreement to which paragraph (1) of this part relates, in parts I, II, and III of GATT, in annexes D, H, and I and schedules XX to GATT, and in the Protocol of Provisional Application of GATT (61 Stat. (pt. 6) 2051), of October 30, 1947.

(b) The exception that no rate of duty or import tax shall be applied to a particular article by virtue of this proclamation if, when the article is entered, or withdrawn from warehouse, for consumption, more favorable customs treatment is prescribed for the article by (i) a proclamation pursuant to section 350 of the Tariff Act of 1930 or to section 201 of the Trade Expansion Act of 1962 (P.L. 87-794, 76 Stat. 872), or (ii) any other proclamation, a statute, or an executive order, which proclamation, statute, or order either provides for an exemption from duty or import tax or became effective subsequent to the date of this proclamation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 28th day of December in the year of our Lord nineteen hundred and sixty-two, and [SEAL] of the Independence of the United States of America the one hundred and eighty-seventh.

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 63-124; Filed, Jan. 3, 1963; 12:10 p.m.]

Proclamation 3513

PROCLAMATION OF CERTAIN AGREEMENTS SUPPLEMENTARY TO THE
GENERAL AGREEMENT ON TARIFFS AND TRADE AND TERMINATION
OF CERTAIN TRADE AGREEMENT PROCLAMATIONS

By the President of the United States of America

A Proclamation

PART I—PURPOSES

PART II—IDENTIFICATION AND JUSTIFICATION

- (A) Agreements Supplementary to GATT
 - (1) Identification of Agreements
 - (2) Determination that Required or Appropriate that GATT be Supplemented
- (B) Termination of Prior Trade Agreement Proclamations

PART III—PROCLAIMING PART

- (A) Agreements Supplementary to GATT
- (B) Termination of Prior Trade Agreement Proclamations

PART I—PURPOSES

The purposes of this proclamation are:

(a) To proclaim certain agreements supplementary to the General Agreement on Tariffs and Trade,¹ of October 30, 1947 (61 Stat. (pt. 5) All; which agreement is hereinafter referred to as "GATT"), including a protocol embodying the results of the 1960-61 Tariff Conference, which supplementary agreements do not contain new tariff concessions by the United States.

(b) To terminate certain prior trade agreement proclamations or parts of such proclamations.

PART II—IDENTIFICATION AND JUSTIFICATION

(A) Agreements supplementary to GATT.

(1) *Identification of Agreements.* The following agreements,^{1a} which neither contain new tariff concessions by the United States nor have been proclaimed, supplement provisions of GATT, or of agreements supplementary thereto, which have been proclaimed:

(a) First Protocol, of October 27, 1951, of Rectifications and Modifications of the Texts of the Schedules to GATT (4 UST (pt. 2) 2316). This protocol includes a rectification or modification of the text of the schedule to GATT of United States concessions annexed to the Torquay Protocol, of April 21, 1951, to GATT² (3 UST (pt. 1) 615; which schedule is hereinafter referred to as "Schedule XX (Torquay-1951)"), to reflect in such schedule the supplementation of the proclamation of June 2, 1951 (identified in footnote 2 of this proclamation), contained in Proclamation 2949 of October 19, 1951 (65 Stat. C44). Such rectification or modification has already become an integral part of GATT.

(b) Fourth Protocol, of March 7, 1955, of Rectifications and Modifications to the Annexes and to the Texts of the Schedules to GATT (10 UST (pt. 1) 215). This protocol includes a rectification or modification of the text of the schedule of United States concessions annexed to GATT (hereinafter referred to as "Schedule XX (Geneva-1947)") to reflect therein the supplementation of the proclamation of

¹ This agreement has been proclaimed by Proclamation 2761A of December 16, 1947 (61 Stat. (pt. 2) 1103), which proclamation has been supplemented by subsequent proclamations.

^{1a} All the agreements which are annexed to this proclamation have been published by the Contracting Parties to the General Agreement on Tariffs and Trade, the United States sales agency for the publications of which is the Columbia University Press. The English text of the provisions of these agreements which supplement provisions of the General Agreement on Tariffs and Trade, or of the agreements supplementary thereto, which have been proclaimed will be published in Treasury Decisions (Customs) with this proclamation. These agreements will be published by the Department of State in Treaties and Other International Acts Series (TIAS), and eventually in United States Treaties (UST), after they have entered into force for the United States.

² This protocol of April 21, 1951, has been proclaimed by Part I of Proclamation 2929 of June 2, 1951 (65 Stat. C12), which proclamation has been supplemented by subsequent proclamations.

December 16, 1947 (identified in footnote 1 of this proclamation), contained in Proclamation 3007 of March 2, 1953 (67 Stat. C35). Such rectification or modification has already become an integral part of GATT.

(c) Protocol of March 10, 1955, Amending Part I and Articles XXIX and XXX of GATT. This protocol has been supplemented by Proces-Verbal of December 3, 1955, of Rectifications concerning the Protocol Amending Part I and Articles XXIX and XXX of GATT, the Protocol Amending the Preamble and Parts II and III of GATT and the Protocol of Organizational Amendments to GATT. The amendments in the protocol of March 10, 1955, together with any rectifications thereof included in the proces-verbal of December 3, 1955, will become effective severally upon acceptance of the protocol of March 10, 1955, by all contracting parties to GATT, except that as provided in paragraph 7 of the protocol of March 10, 1955, parts of some amendments contained in this protocol will not become operative until other amendments contained therein have become effective. Copies of this protocol and this proces-verbal are annexed to this proclamation as annexes A and B, respectively.

(d) Protocol of March 10, 1955, Amending the Preamble and Parts II and III of GATT (8 UST (pt. 2) 1768). This protocol has been supplemented by the proces-verbal of December 3, 1955 (identified in subpar. (c) of this par.). The amendments included in the protocol of March 10, 1955, together with any such rectifications thereof included in the proces-verbal of December 3, 1955, have already become effective for the United States, except that the amendments specified in paragraph 8 (a) and (b) of the protocol of March 10, 1955, will become operative as provided in that paragraph.

(e) Protocol of June 15, 1955, of Rectification to the French Text of GATT (7 UST (pt. 3) 2944). The rectifications of parts II and III of GATT and related provisions in annex I have already entered into force for the United States, and the rectifications of part I thereof and related provisions in annexes D and I will enter into force when this protocol has been signed by all contracting parties to GATT.

(f) Fifth Protocol, of December 3, 1955, of Rectifications and Modifications to the Texts of the Schedules to GATT. This protocol includes rectifications or modifications of the text of Schedule XX (Geneva—1947) to reflect therein the compensatory concessions provided for in the agreement between the United States and Canada of June 8, 1955³ (6 UST (pt. 5) 6231), and some of the compensatory concessions provided for in the agreement between the United States and the Netherlands and the Belgo-Luxembourg Economic Union of June 8, 1955³ (6 UST (pt. 5) 6229). Such rectifications or modifications will become an integral part of GATT when the protocol of December 3, 1955, has been signed by all contracting parties to GATT. A copy of the protocol of December 3, 1955, is annexed to this proclamation as annex C.

(g) Sixth Protocol, of April 11, 1957, of Rectifications and Modifications to the Texts of the Schedules to GATT. This protocol includes rectifications or modifications of the texts (i) of Schedule XX (Geneva—1947) to reflect therein the compensatory concessions provided for in the agreement of June 8, 1955 between the United States and the Netherlands and the Belgo-Luxembourg Economic Union (identified in subpar. (f) of this par.) which were not reflected in such schedule by the protocol of December 3, 1955 (identified in subpar. (f) of this par.), (ii) of the same schedule to reflect therein the modifications provided for in part III(b) of Proclamation 3140 of June 13, 1956 (70 Stat. C33), (iii) of the schedule to GATT of United States concessions annexed to the Annecy Protocol, of October 10, 1949, of Terms of Accession to GATT⁴ (64 Stat. (pt. 3) B141), (iv) of Schedule XX (Torquay—1951), (v) of the schedule to GATT of

³ This agreement has been proclaimed by part II of Proclamation 3105 of July 22, 1955 (69 Stat. C44).

⁴ This protocol of October 10, 1949, has been proclaimed by part I of Proclamation 2867 of December 22, 1949 (64 Stat. (pt. 2) A380), which proclamation has been supplemented by subsequent proclamations.

United States concessions annexed to the Protocol of June 7, 1955, of Terms of Accession of Japan to GATT⁵ (6 UST (pt. 5) 583), and (vi) of the schedule to GATT of United States concessions annexed to the Sixth Protocol, of May 23, 1956, of Supplementary Concessions to GATT⁶ (7 UST (pt. 2) 1086). All such rectifications or modifications will become an integral part of GATT when the protocol of April 11, 1957 has been signed by all contracting parties to GATT. A copy of the protocol of April 11, 1957, is annexed to this proclamation as annex D.

(h) Seventh Protocol, of November 30, 1957, of Rectifications and Modifications to the Texts of the Schedules to GATT. This protocol includes rectifications or modifications of the texts (i) of Schedule XX (Geneva—1947) to reflect therein the modifications provided for in part I of Proclamation 3184 of May 16, 1957 (71 Stat. C34), (ii) of the same schedule to reflect therein the compensatory concessions provided for in the schedules of United States concessions annexed to the Agreement of June 27, 1957, between the United States and the Belgo-Luxembourg Economic Union and the Netherlands Supplementary to GATT⁷ (8 UST (pt. 1) 934), and to the Agreement of June 27, 1957, between the United States and the United Kingdom Supplementary to GATT⁷ (8 UST (pt. 1) 890), and (iii) of Schedule XX (Torquay—1951). All such rectifications or modifications will become an integral part of GATT when the protocol of November 30, 1957, has been signed by all contracting parties to GATT. A copy of the protocol of November 30, 1957, is annexed to this proclamation as annex E.

(i) Declaration of November 22, 1958, on the Provisional Accession of Switzerland to GATT (11 UST (pt. 1) 748). This declaration has been supplemented by subsequent agreements including Proces-Verbal of December 8, 1961, Extending the Declaration of November 22, 1958, on the Provisional Accession of Switzerland to GATT (TIAS 4957). These agreements have already become effective or entered into force, as the case may be, for the United States.

(j) Declaration of November 9, 1959, on Relations between Contracting Parties to GATT and Poland (11 UST (pt. 2) 2581). This declaration has already entered into force for the United States.

(k) Declaration of November 12, 1959, on the Provisional Accession of Tunisia to GATT (11 UST (pt. 2) 1539). This declaration has already become effective for the United States.

(l) Proces-Verbal of December 9, 1961, Extending the Declaration of November 12, 1959, on the Provisional Accession of Tunisia to GATT (TIAS 4958). This proces-verbal has already entered into force for the United States.

(m) Declaration of November 18, 1960, on the Provisional Accession of Argentina to GATT. This declaration has already become effective for the United States. A copy of this declaration is annexed to this proclamation as annex F.

(n) Declaration of November 19, 1960, Giving Effect to the Provisions of Article XVI:4 of GATT. This declaration has already entered into force for the United States. A copy of this declaration is annexed to this proclamation as annex G.

(o) Protocol of April 6, 1962, for the Accession of Cambodia to GATT. This protocol will enter into force on the thirtieth day following its acceptance by Cambodia. A copy of this protocol is annexed to this proclamation as annex H.

(p) Protocol of July 16, 1962, to GATT Embodying the Results of the 1960-61 Tariff Conference. This protocol includes a schedule to GATT of United States concessions (herein referred to as "Sched-

⁵ This protocol of June 7, 1955, has been proclaimed in part I of the proclamation of July 22, 1955, identified in footnote 3 of this proclamation.

⁶ This agreement has been proclaimed by part I of the proclamation of June 13, 1956, identified in part II (A) (1) (g) of this proclamation.

⁷ This agreement has been proclaimed by Proclamation 3191 of June 29, 1957 (71 Stat. C49).

ule XX (Geneva—1962")) and a schedule of United States concessions to the declaration of November 22, 1958 (identified in subpar. (i) of this par.). The schedule to GATT included in this protocol July 16, 1962, comprises (i) the concessions provided for in the schedules of United States concessions annexed to the Agreement of September 15, 1961 between the United States and Sweden Supplementary to GATT^s (12 UST (pt. 2) 1271), to the agreement between the United States and the Federal Republic of Germany providing compensatory concessions under GATT for certain tariff action taken by the United States, of January 29, 1962^s (TIAS 5032, p. 13), to the agreement of January 29 and February 1, 1962, between the United States and Belgium, Luxembourg, and the Netherlands providing compensatory concessions under GATT for certain tariff action taken by the United States^s (TIAS 5032, p. 2), to the agreement of February 9, 1962, between the United States and Japan providing compensatory concessions under GATT for certain tariff action taken by the United States^s (TIAS 5032, p. 22), to the agreement of January 26 and February 12, 1962, between the United States and Denmark providing compensatory concessions under GATT for certain tariff action taken by the United States^s (TIAS 5032, p. 10), to the agreement of January 26 and February 16, 1962, between the United States and the United Kingdom providing compensatory concessions under GATT for certain tariff action taken by the United States^s (TIAS 5032, p. 28), to the Interim Agreement between the United States and Denmark, of March 5, 1962,^s (TIAS 5020), to the Interim Agreement between the United States and Finland, of March 5, 1962^s (TIAS 5022), to the Interim Agreement between the United States and New Zealand, of March 5, 1962^s (TIAS 5023), to the Interim Agreement between the United States and Norway, of March 5, 1962^s (TIAS 5024), to the Interim Agreement between the United States and Pakistan, of March 5, 1962^s (TIAS 5025), to the Interim Agreement between the United States and Peru, of March 5, 1962^s (TIAS 5028, p. 1), as supplemented by the agreement of May 30, 1962^s (TIAS 5028, p. 10), to the Interim Agreement between the United States and Sweden, of March 5, 1962^s (TIAS 5130), to the Interim Agreement between the United States and Austria, of March 6, 1962^s (TIAS 5066), to the Interim Agreement between the United States and Japan, of March 6, 1962^s (TIAS 5027, p. 1), as supplemented by the agreement of May 15, 1962^s (TIAS 5027, p. 23), to the agreement of December 8 and 9, 1961 and March 7, 1962, between the United States and Italy providing compensatory concessions under GATT for certain tariff action taken by the United States^s (TIAS 5032, p. 16), to the Interim Agreement between the United States and Canada, of March 7, 1962^s (TIAS 5019), to the Interim Agreement between the United States and the European Economic Community, of March 7, 1962^s (TIAS 5021), to the Interim Agreement between the United States and the United Kingdom, of March 7, 1962^s (TIAS 5026), to the Interim Agreement between the United States and Haiti, of June 6, 1962^s (TIAS 5046), and to the Interim Agreement between the United States and India, of June 15, 1962^s (TIAS 5030), and (ii) the rectifications or modifications of prior schedules of United States concessions provided for in section 1 of An Act To define parts of certain types of footwear, of June 11, 1958 (72 Stat. (pt. 1) 185), in section 2 of An Act To suspend for a temporary period the import duty on heptanic acid, and for other purposes, of September 15, 1960 (74 Stat. 1052), in part I of Proclamation 3387 of December 28, 1960 (75 Stat. 1007), and in part I(b) of Proclamation 3394 of February 25, 1961 (75 Stat. 1028). Such schedule to the declaration of November 22, 1958, included in this protocol of July 16, 1962, comprises the concessions provided for in the schedule of United States concessions annexed to the Interim Agreement between the United States and Switzerland, of March 5, 1962^s (TIAS 5031, p. 1), as supplemented by the agreement of June 7 and 14, 1962^s (TIAS 5031, p. 19). Such schedules included in this protocol of July 16,

^s This agreement has been proclaimed by part I: 1 and 2 of Proclamation 3468 of April 30, 1962 (27 F.R. 4235), which proclamation has been supplemented by the proclamation of June 20, 1962, identified in footnote 9 of this proclamation.

^s This agreement has been proclaimed by part II: F (1) and (2) of Proclamation 3479 of June 20, 1962 (27 F.R. 5929).

1962, will become schedules to GATT and to the agreement of November 22, 1958, respectively, on December 31, 1962. A copy of this agreement of July 16, 1962, is annexed to this proclamation as annex I.

(2) *Determination that Required or Appropriate that GATT be Supplemented.* I determine that it will be required or appropriate that GATT and agreements supplementary thereto be applied as supplemented by each provision of any of the following agreements which supplements a provision of GATT or of an agreement supplementary thereto that has been proclaimed, effective on and after the date of this proclamation or the relevant date specified in paragraph (1) of this subpart, whichever is the later: of the protocol of October 27, 1951 (identified in par. (1) (a) of this subpart), of the protocol of March 7, 1955 (identified in par. (1) (b) of this subpart), of the agreements of March 10, 1955, and December 3, 1955 (identified in par. (1) (c) and (d) of this subpart), of the protocol of June 15, 1955 (identified in par. (1) (e) of this subpart), of the protocol of December 3, 1955 (identified in par. (1) (f) of this subpart), of the protocol of April 11, 1957 (identified in par. (1) (g) of this subpart), of the protocol of November 30, 1957 (identified in par. (1) (h) of this subpart), except item 907 (3) and (4) modifying part I of Schedule XX (Geneva—1947) which will be superseded by item 907 in part I of Schedule XX (Geneva—1962), of the agreements of November 22, 1958, and December 8, 1961 (identified in par. (1) (i) of this subpart), of the declaration of November 9, 1959 (identified in par. (1) (j) of this subpart), of the declaration of November 12, 1959 (identified in par. (1) (k) of this subpart), of the proces-verbal of December 9, 1961 (identified in par. (1) (l) of this subpart), of the declaration of November 18, 1960 (identified in par. (1) (m) of this subpart), of the declaration of November 19, 1960 (identified in par. (1) (n) of this subpart), of the protocol of April 6, 1962 (identified in par. (1) (o) of this subpart), or of the protocol of July 16, 1962 (identified in par. (1) (p) of this subpart).

(B) Termination of prior trade agreement proclamations.

I determine that on and after the dates hereinafter indicated, and subject to the conditions hereinafter specified, in this paragraph it will be required or appropriate that the following proclamations and parts of proclamations be terminated:

(a) The date of this proclamation:

(i) The proclamation of December 2, 1935 (49 Stat. (pt. 2) 3808), to the extent it has not heretofore been terminated. This termination results from the termination prior to the date of this proclamation of the trade agreement between the United States and Brazil, of February 2, 1935 (49 Stat. (pt. 2) 3809), and the agreement supplementary thereto, of April 17, 1935 (49 Stat. (pt. 2) 3834), which were proclaimed by proclamation of December 2, 1935.

(ii) The proclamation of November 25, 1938 (54 Stat. (pt. 2) 1897), and the proclamation of December 6, 1939 (54 Stat. (pt. 2) 1987), supplementary thereto, to the extent they have not heretofore been terminated. These terminations result from the termination prior to the date of this proclamation of the trade agreement between the United States and the United Kingdom, of November 17, 1938 (54 Stat. (pt. 2) 1898), which was proclaimed by the proclamations of November 25, 1938, and December 6, 1939.

(iii) The proclamation of December 16, 1947 (identified in footnote 1 of this proclamation), insofar as it relates to the second proviso to item 701 [first] in part I of Schedule XX (Geneva—1947), and the proclamation of March 2, 1953 (identified in subpart (A) (1) (b) of this part), in whole. These terminations result from proclamation hereinafter in part III(A) of this proclamation of the protocol of March 7, 1955 (identified in subpart (A) (1) (b) of this part).

(iv) The proclamation of October 19, 1951 (identified in subpart (A) (1) (a) of this part), in whole. This termination results from the proclamation hereinafter in part III(A) of this proclamation of the protocol of October 27, 1951 (identified in subpart (A) (1) (a) of this part).

(v) Part III of the proclamation of July 22, 1955 (identified in footnote 3 of this proclamation), subject to the provisions of section 401 of the Tariff Classification Act of 1962 (P.L. 87-456, 76th Stat. 78), to the extent that such part relates to articles which would be deleted from the list set forth in recital 16 of such proclamation if the description of products in item 804 in such list were modified to read: "Sherry produced from grapes containing over 14% of absolute alcohol by volume." This termination results from the addition prior to the date of this proclamation to part I of schedule XX to GATT of descriptions of the articles that would be deleted from such list by such modification of item 804.

(b) December 31, 1962:

(i) The proclamation of December 16, 1947 (identified in footnote 1 to this proclamation), as supplemented particularly by part I of Proclamation 2782 of April 22, 1948 (62 Stat. (pt. 2) 1500), part I of the proclamation of December 22, 1949 (identified in footnote 4 of this proclamation), as supplemented particularly by part I of Proclamation 2888 of May 13, 1950 (64 Stat. (pt. 2) A405), part I of the proclamation of June 2, 1951 (identified in footnote 2 of this proclamation), part I of the proclamation of July 22, 1955 (identified in footnote 3 of this proclamation), and part I of the proclamation of June 13, 1956 (identified in subpart (A)(1)(g) of this part), insofar as is necessary to give effect to the note to item 1530(e) [second] in part I of Schedule XX (Geneva—1962). These terminations result from the proclamation in part III(A) of this proclamation of this note to item 1530(e) [second].

(ii) The proclamation of December 16, 1947 (identified in footnote 1 of this proclamation), to the extent not heretofore terminated insofar as it relates to items 1108 and 1109(a) in part I of Schedule XX (Geneva—1947), the proclamation of June 2, 1951 (identified in footnote 2 of this proclamation), to the extent not heretofore terminated insofar as it relates to item 1109(a) in part I of Schedule XX (Torquay—1951), and the proclamation of December 28, 1960 (identified in subpart (A)(1)(p) of this part), in whole. These terminations result from the proclamation hereinafter in part III(A) of this proclamation of items 1108 and 1109(a) in part I of Schedule XX (Geneva—1962).

(iii) The proclamation of December 16, 1947 (identified in footnote 1 of this proclamation), insofar as it relates to item 907 [second] in part I of Schedule XX (Geneva—1947), and the proclamation of June 29, 1957 (identified in footnote 7 of this proclamation), insofar as it relates to items 907 [second] in the schedules of United States concessions annexed to the agreements of June 27, 1957 (identified in subpart (A)(1)(h) of this part). These terminations result from the proclamation hereinafter in part III(A) of this proclamation of item 907 [second] in part I of Schedule XX (Geneva—1962).

(iv) The proclamation of December 16, 1947 (identified in footnote 1 of this proclamation), to the extent not heretofore terminated insofar as it relates to item 371 [first] in part I of Schedule XX (Geneva—1947), and part I(b) of the proclamation of February 25, 1961 (identified in subpart (A)(1)(p) of this part). These terminations result from the proclamation hereinafter in part III(A) of this proclamation of item 371 in part I of Schedule XX (Geneva—1962).

(v) Part III of the proclamation of July 22, 1955 (identified in footnote 3 of this proclamation), subject to the provisions of section 401 of the Tariff Classification Act of 1962 (identified in subparagraph (a)(v) of this paragraph), to the extent that such part relates to articles which would be deleted from the list set forth in

recital 16 of such proclamation if the following modifications were made in such list:

Item	Modification in List
28(a)	Insertion at the end of the description of products of: "(except acid black 31; acid blue 45; acid violet 19, 41; basic blue; basic orange 22; basic red 13; basic yellow 1, 11; direct blue 108, 109; disperse red 4; ingrain blue 2; mordant black 8; mordant red 27; reactive blue 1, 2, 4; reactive orange 1; reactive red 1, 2, 3, 5, 6; reactive yellow 1; vat blue 2; vat brown 3; vat orange 2, 7; vat violet 9, 13; and vat yellow 4, 20)"
761	Deletion of the item
765	Insertion in the description of products after the word "Beans" of "(except mung beans)"
1558	Modification of item to read: "Articles manufactured, in whole or in part, not specially provided for: Coconut shells----- 16% ad val. Edible preparations for human consumption (except banana flour, frog legs, plantain flour, preparations for flavoring or seasoning food, in chief value of yeast extract, containing no alcohol (but not excepting sauces), thick soy, and yeast)----- 16% ad val."

This termination results from the proclamation hereinafter in part III(A) of this proclamation of the protocol of July 16, 1962 (identified in subpart (A)(1)(p) of this part), which adds to part I of schedule XX to GATT descriptions of the articles that would be deleted from the list set forth in recital 16 of the proclamation of July 22, 1955, by such modifications of that list.

(vi) Part I: 1 and 2 of the proclamation of April 30, 1962 (identified in footnote 8 of the proclamation), to the extent it has not heretofore been terminated. This termination results from the proclamation hereinafter in part III(A) of this proclamation of the protocol of July 16, 1962 (identified in subpart (A)(1)(p) of this part).

(vii) Part II: F (1) and (2) of the proclamation of June 20, 1962 (identified in footnote 9 of this proclamation), insofar as it relates to the agreement between the United States and Japan of March 6, 1962, as supplemented by the agreement of May 15, 1962, to the agreement of May 30, 1962, to the agreement of June 6, 1962, to the agreement of June 7 and 14, 1962, and to the agreement of June 15, 1962 (all identified in subpart (A)(1)(p) of this part). This termination results from the proclamation hereinafter in part III(A) of this proclamation of the protocol of July 16, 1962 (identified in subpart (A)(1)(p) of this part).

(c) *December 7, 1962:*

The proclamation of December 28, 1935 (50 Stat. (pt. 2) 1504), and the proclamation of April 10, 1937 (50 Stat. (pt. 2) 1559), supplementary thereto, to the extent they have not heretofore been terminated. These terminations result from the termination on December 7, 1962, of the trade agreement between the United States and the Netherlands of December 20, 1935 (50 Stat. (pt. 2) 1505), which was proclaimed by these proclamations.

(d) *December 13, 1962:*

The proclamation of May 16, 1936 (53 Stat. (pt. 3) 2236), to the extent it has not heretofore been terminated. This termination results from the termination on December 13, 1962, of the trade agreement between the United States and France of May 6, 1936 (53 Stat. (pt. 3) 2237), which was proclaimed by this proclamation.

(e) *The day on which the protocol of November 30, 1957 (identified in subpart (A)(1)(h) of this part) has been signed by all contracting parties to GATT:*

Part I of the proclamation of May 16, 1957 (identified in subpart (A)(1)(h) of this part), and the proclamation of June 29, 1957 (identified in footnote 7 of this proclamation), in whole. These terminations result from the proclamation hereinafter in part III(A) of this proclamation of the protocol of November 30, 1957.

(f) *February 10, 1963:*

The proclamation of April 1, 1935 (49 Stat. (pt. 2) 3680), to the extent it has not heretofore been terminated. This termination results from the termination on February 10, 1963, of the trade agree-

ment between the United States and the Belgo-Luxembourg Economic Union, of February 27, 1935 (49 Stat. (pt. 2) 3691), which was proclaimed by this proclamation.

(g) *July 1, 1963*: provided that, under general note 2 to the United States schedule to the declaration of November 22, 1958 (identified in subpart (A) (1) (i) of this part), annexed to the protocol of July 16, 1962 (identified in subpart (A) (1) (p) of this part), the rate in column B of item 28(a) [first] in part I of that schedule becomes initially effective for all the products provided for in that item on July 1, 1963:

Part III of the proclamation of July 22, 1955 (identified in footnote 3 of this proclamation), subject to the provisions of section 401 of the Tariff Classification Act of 1962 (identified in subparagraph (a) (v) of this paragraph), to the extent that such part relates to articles which would be deleted from the list set forth in recital 16 of such proclamation if the following modification were made in such list:

Item	Modification in List
28(a)	Modify the parenthetical exception at the end of the description of products (as set forth in subpar. (b) (v) of this par.) to read: "(except acid black 31, 50, 94, 129; acid blue 45, 54, 106, 127, 129, 143; acid brown 44, 46, 48, 58, 188, 189; acid green 40; acid red 130, 145, 174, 211; acid violet 19, 31, 41, 48; acid yellow 2, 75, 116; basic blue 3; basic orange 22; basic red 13, 14; basic yellow 1, 11, 13; direct black 62, 91; direct blue 86, 92, 106, 108, 109, 160, 172; direct brown 103, 115, 116; direct green 5, 29, 31; direct orange 37; direct red 83; direct yellow 28; disperse blue 30; disperse red 4; fluorescent brightening agent 18, 24, 32; ingrain blue 2; mordant black 8; mordant green 47; mordant red 17, 27; reactive black 1; reactive blue 1, 2, 4; reactive orange 1; reactive red 1, 2, 3, 5, 6; reactive yellow 1; solvent orange 11; solvent yellow 25; vat blue 2; vat brown 3; vat orange 2, 7; vat red 44; vat violet 9, 13; vat yellow 4, 20; and vat solubilized orange 3)"

This termination results from the proclamation hereinafter in part III(A) of this proclamation of the protocol of July 16, 1962 (identified in subpart (A) (1) (p) of this part), which provides, for the articles that would be deleted from the list set forth in recital 16 of the proclamation of July 22, 1955, by such modification of that list, most-favored-nation rates of duty identical to the rates of duty provided for such articles in that list.

(h) *August 21, 1963*:

The proclamation of August 24, 1934 (49 Stat. (pt. 2) 3559), the proclamation of December 19, 1939 (54 Stat. (pt. 2) 1997), and the proclamation of December 22, 1939 (54 Stat. (pt. 2) 2014), supplementary thereto, and the proclamation of December 29, 1941 (55 Stat. (pt. 2) 1449), to the extent they have not heretofore been terminated. These terminations result from the termination on August 21, 1963, of the trade agreement between the United States and Cuba, of August 24, 1934 (49 Stat. (pt. 2) 3559), which was proclaimed by the proclamation of August 24, 1934, of the supplementary trade agreement, of December 18, 1939 (54 Stat. (pt. 2) 2000), which was proclaimed by the proclamations of December 19, 1939, and December 22, 1939, and the supplementary trade agreement, of December 23, 1941 (55 Stat. (pt. 2) 1452), which was proclaimed by the proclamation of December 29, 1941.

(i) *The day on which the protocol of December 3, 1955 (identified in subpart (A) (1) (f) of this part), has been signed by all contracting parties to GATT*:

Part II of the proclamation of July 22, 1955 (identified in footnote 3 of this proclamation), insofar as it relates to the agreement between the United States and Canada of June 8, 1955 (identified in subpart (A) (1) (f) of this part), and insofar as it relates to those United States concessions provided for in the agreement between the United States and the Netherlands and the Belgo-Luxembourg Economic Union of June 8, 1955 (identified in subpart (A) (1) (f) of this part) which are included in the rectifications or modifications of Schedule XX (Geneva—1947) contained in the protocol of December 3, 1955. This termination results from the proclamation hereinafter in part III(A) of this proclamation of the protocol of December 3, 1955.

(j) *The day on which the protocol of April 11, 1957 (identified in subpart (A)(1)(g) of this part) has been signed by all contracting parties to GATT:*

Part II of the proclamation of July 22, 1955 (identified in footnote 3 of this proclamation) insofar as it relates to those United States concessions provided for in the agreement between the United States and the Netherlands and the Belgo-Luxembourg Economic Union of June 8, 1955 (identified in subpart (A)(1)(f) of this part) which are included in the rectifications or modifications of Schedule XX (Geneva—1947) contained in the protocol of April 11, 1957, and part III(b) of the proclamation of June 13, 1956 (identified in subpart (A)(1)(g) of this part). These terminations result from the proclamation hereinafter in part III(A) of this proclamation of the protocol of April 11, 1957.

PART III—PROCLAIMING PART

NOW, THEREFORE, I, JOHN F. KENNEDY, under the authority vested in me, as President, by the Constitution and statutes, particularly section 350 of the Tariff Act of 1930, and more particularly subsection (a)(6) of that section in respect to subpart (B) of this part, do proclaim that:

(A) Agreements supplementary to GATT

On and after the relevant date indicated in part II(A)(1) of this proclamation or the date of this proclamation, whichever is the later, GATT and agreements supplementary thereto shall be applied as supplemented by each provision of an agreement listed in part II(A)(2) of this proclamation which supplements a provision of GATT or of an agreement supplementary thereto which has been proclaimed.

(B) Termination of prior trade agreement proclamations.

On and after the relevant date indicated in part II(B) of this proclamation or the date of this proclamation, whichever is the later, each proclamation listed in part II(B) shall be terminated in whole or in part as therein specified.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 28th day of December in the year of our Lord nineteen hundred and sixty-two, and of [SEAL] the Independence of the United States of America the one hundred and eighty-seventh.

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 63-125; Filed, Jan. 3, 1963; 12:10 p.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of the Navy

Effective upon publication in the FEDERAL REGISTER, paragraph (b) of § 6.206 is amended as set out below.

§ 6.206 Department of the Navy.

(b) Until July 1, 1963, two Staff Assistants (Equal Employment Opportunity), GS-15 and six Intergroup Relations Specialist, GS-12 through GS-14.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] MARY V. WENZEL,
*Executive Assistant to
the Commissioners.*

[F.R. Doc. 63-82; Filed, Jan. 3, 1963;
8:51 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Federal Aviation Agency

Effective upon publication in the FEDERAL REGISTER, paragraphs (a) and (h) of § 6.364 are revoked, paragraph (b) is amended and paragraphs (j) and (k) are added as set out below.

§ 6.364 Federal Aviation Agency.

(b) Two Assistants to the Chief, Congressional Relations Division.

(j) The Assistant Administrator, Office of General Aviation Affairs.

(k) The Chief, Congressional Relations Division.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] MARY V. WENZEL,
*Executive Assistant to
the Commissioners.*

[F.R. Doc. 63-81; Filed, Jan. 3, 1963;
8:51 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter II—Rural Electrification Administration, Department of Agriculture

Part 200—PROCEDURES

Part 200 of Title 6, issued September 11, 1946 (11 F.R. 177A-294-296, inclu-

No. 3—3

sive) (redesignated at 13 F.R. 8248) as amended April 23, 1949 (14 F.R. 2006) as amended August 26, 1952 (17 F.R. 7765-7767, inclusive) as amended November 16, 1955 (20 F.R. 8587-8589, inclusive) is hereby amended as follows:

1. By deleting all of Part 200, and substituting therefor a new Part 200 reading as follows:

Sec.

200.1 Loans pursuant to section 4 of Rural Electrification Act.

200.2 Loans pursuant to section 5 of Rural Electrification Act.

200.3 Loans pursuant to section 201 of Rural Electrification Act.

200.4 Studies, investigations, and reports.

200.5 Loan security activities.

200.6 Issuances implementing procedure.

AUTHORITY: §§ 200.1 to 200.6 issued under 49 Stat. 1363, as amended; 7 U.S.C. 901-915, 921-924.

§ 200.1 Loans pursuant to section 4 of Rural Electrification Act.

(a) *General.* These loans are made to finance the construction and operation of generating plants, electric transmission and distribution lines or systems to provide initial and continued adequate electric service to persons in rural areas. The loans must be self-liquidating within a period of not to exceed thirty-five years, bear interest at the rate of two per centum per annum, and must be reasonably secured in the judgment of the Administrator. They may be made to persons, corporations, public bodies, and to cooperative, non-profit, or limited dividend associations. Preference is to be given to public bodies and to cooperative, non-profit, or limited dividend associations.

(b) *Loan applications.* Applications for these loans are made on forms prescribed by REA and supported by a resolution of the applicant's board of directors. Copies of these standard forms are made available by REA on request. Applicants for loans from the Rural Electrification Administration are assisted, as necessary, in perfecting their organization, in the conduct of their surveys and in the preparation of the loan application. After the information provided by the application has been examined, the applicant is notified of any further steps to be taken. If an application is acceptable after legal, engineering, economic, and financial studies, funds are obligated by a loan contract and the borrower gives a note, mortgage, and, in some cases, other security.

(c) *Construction.* Under the loan agreements REA reserves the right to approve the design and construction of the facilities, and to require progress reports on construction and audits of the borrower's records relating to construction.

(d) *Advance of loan funds.* Loan funds are advanced on the basis of requisitions submitted by borrowers in accordance with the loan contract.

§ 200.2 Loans pursuant to section 5 of Rural Electrification Act.

(a) *General.* These loans are made to the borrowers of funds loaned under section 4 of the Rural Electrification Act for financing the wiring of the premises of persons in rural areas and for purchase and installation of electrical and plumbing appliances and equipment, including machinery. The loans are required to be repaid, generally over a period of ten years, and bear interest at two per centum per annum. The funds made available to REA borrowers under these loans are reloaned to their consumers.

(b) *Loan applications.* There is no standard or prescribed form of application for this type of loan. A letter accompanied by a resolution of the board of directors is submitted in support of the application setting forth the purposes for which the loan is requested and the amounts required for each purpose. Supplemental data is required of the applicant as necessary to complete the particular application. If the Administrator approves a loan proposal, the applicant is notified and loan documents are forwarded for the signature of the borrower.

(c) *Advance of loan funds.* Loan funds are advanced on the basis of requisitions submitted by borrowers in accordance with the loan contract.

§ 200.3 Loans pursuant to section 201 of Rural Electrification Act.

(a) *General.* These loans are made for the purpose of financing the improvement, expansion, construction, acquisition, and operation of telephone lines, facilities, or systems to furnish or improve telephone service in rural areas. Borrowers may be required to provide a portion of the investment themselves. The loans must be self-liquidating within a period of not to exceed thirty-five years, bear interest at the rate of two per centum per annum and must be reasonably secured in the judgment of the Administrator. The loans may be made to any type of commercial or non-profit corporation now providing or who may hereafter provide telephone service in rural areas. Preference is to be given to persons providing telephone service in rural areas, and to cooperative, non-profit, limited dividend, or mutual associations.

(b) *Loan applications.* Applications for these loans are made on forms prescribed by REA, copies of which are made available by REA on request. Applicants for loans from the Rural Electrification Administration are assisted as necessary in perfecting their organization, in the conduct of their surveys and in the preparation of loan applications. After the information provided by the application has been examined, the applicant is notified of any further steps to be taken. If an application is acceptable after legal, engineering, economic, and financial studies, funds are obligated by a loan contract and the borrower

gives a note, mortgage, and, in some cases, other security.

(c) *Construction.* Under the loan agreements, REA reserves the right to approve the design and construction of the facilities, and to require progress reports on construction and audits of the borrower's records relating to construction.

(d) *Advance of loan funds.* Loan funds are advanced on the basis of requisitions submitted by borrowers in accordance with the loan contract.

§ 200.4 Studies, investigations, and reports.

Pursuant to section 2 of the Act, the agency may make or cause to be made studies, investigations, and reports concerning the condition and progress of electrification and telephony in rural areas in the several States and territories and may publish and disseminate information with respect thereto.

§ 200.5 Loan security activities.

In carrying out the program of rural electrification and rural telephony provided by the Act, and in the interest of loan security, the agency requires of borrowers periodic reports on operations, annual audits, etc., and provides specialized and technical accounting, engineering, and other managerial assistance to borrowers in respect to the construction and operation of their facilities, and to help them establish efficient and economical service in rural areas.

§ 200.6 Issuances implementing procedure.

There are available from REA, upon request, (a) basic forms of loan agreements, and (b) bulletins issued from time to time which implement the loan agreements and the procedures herein set forth.

Issued this 28th day of December 1962.

NORMAN M. CLAPP,
Administrator.

[F.R. Doc. 63-80; Filed, Jan. 3, 1963;
8:51 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Expenses and Rate of Assessment for 1962-63 Fiscal Year

On December 15, 1962, notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 12449) regarding the expenses and the fixing of the rate of assessment for the 1962-63 fiscal year pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910, 27 F.R. 8346), regulating the handling of lemons grown in the State of California or in the State of Arizona. This regulatory program is

effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). After consideration of all relevant matters presented, including the proposals which were submitted by the Lemon Administrative Committee (established pursuant to the amended marketing agreement and order) and set forth in the aforesaid notice, it is hereby found and determined that:

§ 910.201 Expenses and rate of assessment for the 1962-63 fiscal year.

(a) *Expenses.* The expenses necessary to be incurred by the Lemon Administrative Committee, established pursuant to the provisions of the aforesaid amended marketing agreement and order, for its maintenance and functioning during the fiscal year ending October 31, 1963, will amount to \$191,050.

(b) *Rate of assessment.* The rate of assessment to be paid, in accordance with the amended marketing agreement and order, by each handler who first handles lemons shall be one and one-half cents (\$0.0150) per carton of lemons, or an equivalent quantity of lemons, handled by him as the first handler thereof during the said fiscal year. Such rate of assessment is hereby fixed as each handler's pro rata share of the aforesaid expenses.

It is hereby found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001-1011) in that (1) the relevant provisions of said amended marketing agreement and this part require that the rate of assessment fixed for a particular fiscal year shall be applicable to all assessable lemons from the beginning of such year; and (2) the current fiscal year began on November 1, 1962, and the rate of assessment herein fixed will automatically apply to all assessable lemons beginning with such date.

Terms used herein shall have the same meaning as when used in said amended marketing agreement and this part.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: December 31, 1962.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 63-69; Filed, Jan. 3, 1963;
8:49 a.m.]

[948.340 Amdt. 1]

PART 948—IRISH POTATOES GROWN IN COLORADO

Limitation of Shipments; Area 2

Findings. (a) Pursuant to Marketing Agreement No. 97, and Order No. 948, both as amended (7 CFR Part 948), regulating the handling of Irish potatoes grown in Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as

amended (7 U.S.C. 601-674), and upon the basis of recommendations and information submitted by the Area No. 2 (San Luis Valley) Committee, established pursuant to the said marketing agreement and order, and other available information, it is hereby found that the amendment to the limitation of shipments hereinafter set forth will maintain orderly marketing conditions tending to increase returns to potato growers in the production area.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice or engage in public rule making procedure, and that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003) in that (1) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, (2) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the handling of potatoes in the manner set forth below, on and after the effective date of this amendment, (3) regulations have been issued under the order since 1949 and have been in effect this season since September 5, 1962, so compliance with this amendment will not require any special preparation on the part of handlers, and (4) information regarding the Committee's recommendation has been disseminated to producers and handlers in the production area.

Order, as amended.

In § 948.340 (27 F.R. 8824), delete paragraphs (a) and (c) (1) and substitute in lieu thereof new paragraphs (a) and (c) (1) as set forth below.

§ 948.340 Limitation of shipments.

* * * * *

(a) *Minimum grade and size requirements—*(1) *Round varieties.* U.S. No. 2, or better, grade, 2 1/8 inches minimum diameter.

(2) *Long varieties.* U.S. No. 2, or better, grade, 2 inches minimum diameter or 4 ounces minimum weight.

* * * * *

(c) *Special purpose shipments—*(1) *Chipping stock.* Potatoes may be handled for chipping if they meet the requirements of 2 inches minimum diameter and if they are U.S. No. 2, or better grade, except for scab, and if such potatoes are handled in accordance with paragraph (d) of this section.

* * * * *

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: December 28, 1962, to become effective January 7, 1963.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 63-70; Filed, Jan. 3, 1963;
8:49 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Amdt. 8 (Rev. 1)]

PART 108—LOANS TO STATE AND LOCAL DEVELOPMENT COMPANIES

Section 502 Loans; Collateral

The Loans to State and local Development Companies Regulation (Revision 1, 26 F.R. 1822) is hereby amended by:

Deleting the second sentence of paragraph (c) of § 108.502-1 and substituting in lieu thereof a new sentence.

As amended, § 108.502-1(c) reads as follows:

§ 108.502-1 Section 502 loans.

(c) *Collateral.* All loans made under this section shall be so secured as reasonably to assure repayment. SBA shall determine that all property and rights available as collateral security for such a loan are of a character and value as reasonably to assure repayment of the loan. Collateral shall be insured against such hazards and risks as SBA may require.

Dated: December 27, 1962.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 63-67; Filed, Jan. 3, 1963;
8:46 a.m.]

Chapter III—Area Redevelopment Administration, Department of Commerce

PART 306—NONDISCRIMINATION AND EQUAL OPPORTUNITY IN HOUSING

The regulations of the Area Redevelopment Administration, as published in the FEDERAL REGISTER of October 24, 1961 (26 F.R. 9933-9943), as amended, are hereby further amended to add the following new part:

- Sec.
- 306.1 Nondiscrimination policy.
 - 306.2 Definition of "discriminatory practice".
 - 306.3 Definition of "residential property" and "related facilities".
 - 306.4 Prohibition against discriminatory practice.
 - 306.5 Effect of prohibited discriminations on future applications.

AUTHORITY: §§ 306.1 to 306.5 issued under sec. 12, Public Law 87-27.

§ 306.1 Nondiscrimination policy.

The regulations in this part are prescribed pursuant to the provisions of Executive Order 11063, issued by the President under date of November 20, 1962, and are designed to assure compliance with the established policy of the United States that housing and related facilities, financed with assistance under the provisions of the Area Redevelopment Act, will be made available for use without discrimination based on race, color, creed or national origin.

§ 306.2 Definition of "discriminatory practice".

As used in this part, the term "discriminatory practice" shall mean any discrimination because of race, color, creed or national origin in the sale, leasing, rental, or other disposition of residential property and related facilities, or in the commercial use or occupancy thereof if such property is or will be constructed, rehabilitated, purchased, or financed with the proceeds of a loan made by the Area Redevelopment Administration under the provisions of the Area Redevelopment Act after November 20, 1962.

§ 306.3 Definition of "residential property" and "related facilities".

As used in this part, the term "residential property" means land and buildings currently intended for use as a place of abode or a place of dwelling, including nursing homes, but excluding transient or hotel facilities or parts thereof which are intended for occupancy for periods of less than thirty days. As used in this part, the term "related facilities" shall mean service facilities and accommodations designed and intended substantially for the use and benefit of occupants of residential property incident to such occupation.

§ 306.4 Prohibition against discriminatory practice.

It shall be required as a condition for financial assistance from the Area Redevelopment Administration involving residential property and related facilities that such property and facilities shall not be used in connection with a "discriminatory practice" as such term is defined in this part. Assurances against such discriminatory practice shall be provided by appropriate terms, covenants, and conditions in loan authorizations, contracts, or other instruments used in connection with such financial assistance.

§ 306.5 Effect of prohibited discriminations on future applications.

Applications for financial assistance in constructing, rehabilitating, purchasing, or financing any "residential property" and "related facilities" shall be rejected as ineligible if any person or firm connected with the application has been found to have violated the rules, regulations or procedures issued or adopted pursuant to Executive Order 11063 or in the nondiscriminatory provisions included in any agreement or contract, with respect to any program affected by this Order administered by any other executive department or agency.

In accordance with the provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003) it has been found that notice and hearing on the foregoing Part 306 of Chapter III of Title 13 of the Code of Federal Regulations is unnecessary for the reason that all matters therein relate to agency management, personnel, loans, grants or benefits; and for the reason that because of the nature of these rules, such notice and hearing would serve no useful purpose. The provisions of this part of

Chapter III of Title 13 are effective as of this date.

Dated: December 20, 1962.

WILLIAM L. BATT, Jr.,
Area Redevelopment Administrator.

[F.R. Doc. 63-77; Filed, Jan. 3, 1963;
8:51 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter I—Bureau of the Census, Department of Commerce

PART 40—TRAINING OF FOREIGN PARTICIPANTS IN CENSUS PROCEDURES AND GENERAL STATISTICS

PART 50—SPECIAL SERVICES AND STUDIES BY THE BUREAU OF THE CENSUS

The following Part 40, "Training of Foreign Participants in Census Procedures and General Statistics," supersedes and replaces Part 40, "Training Grants in Census Procedures," which was previously published in the FEDERAL REGISTER at 13 F.R. 2735. Part 40 appeared in the Code of Federal Regulations, Revised 1956, at page 24.

Sec.

- 40.1 Type of grant.
- 40.2 Qualifications.
- 40.3 Cooperation with bilateral technical assistance programs of the United States.
- 40.4 Administrative provisions on selection of participants and funding of costs.
- 40.5 Other cooperative arrangements.

AUTHORITY: §§ 40.1 to 40.5 issued under 5 U.S.C. 22; 22 U.S.C. 1456; 31 U.S.C. 686. Memorandum of Agreement between the Department of Commerce and the Foreign Operations Administration Concerning Foreign Technical Assistance Work, signed June 10, 1954.

§ 40.1 Type of grant.

Training grants will be awarded by the Agency for International Development (AID), in its capacity as the bilateral technical assistance agency for the United States Government, to foreign participants for training, observation, and research in the fields of censuses and statistics at the Bureau of the Census. In compliance with the needs of the participants and consistent with resources of the Bureau, training programs will be developed along the lines of a combined interne-training and/or training-in research types, and may include any or all of the following:

(a) Conference courses designed to provide the trainee with adequate background information on (1) organization and administration of the United States Bureau of the Census, (2) subject-matter areas for which the Bureau of the Census collects and compiles statistical information, (3) nature and scope of the major statistical programs maintained by other federal government agencies, (4) techniques and scope of the periodic censuses and statistical surveys, and statistical compilations undertaken by the Bureau of the Census, and (5) relation

of censuses to other statistical data collected and analyzed by U.S. agencies.

(b) Seminars, laboratory exercises and observation of work in the Census Bureau and other agencies with specific applicability to the participant such as (1) development of census and survey questionnaires, (2) methods of field and mail enumeration, (3) procedures for editing and coding statistical forms, (4) use of office machines, electromechanical tabulation equipment, and automatic data processing systems for mass processing of statistical data, (5) definitions and scope of the subject matters involved in the censuses and statistical programs of the Bureau of the Census, (6) classification of industrial and business establishments, (7) classification of imports and exports, (8) techniques of making intercensal estimates of population, (9) sampling techniques and quality control procedures, (10) analyses and publication of data, and development of certain indexes; and (11) other topics, particularly in the development of new statistical programs and techniques.

(c) Formal courses at a college or university to supplement the seminars, conference-courses, and individual statistical projects developed, presented, or assigned by the Bureau; or enrolled on a full-time basis in a college or university to obtain the appropriate academic background for further work in the field of statistics in accordance with needs of participants and/or the program requirements of their countries.

(d) Observation trips to various academic institutions with recognized statistical and research agencies, to regional field offices of the Bureau, to the government statistical agencies of Canada, and to such activities that will supplement or illustrate the application and end use of statistical data.

(e) Case study workshops on selected census and statistical activities presented at the Bureau, in other locations in the United States, or outside the continental limits of the United States.

(f) Such field training, special research, or university program as appears advisable to the Director of the Bureau of the Census in accordance with the technical needs of the participants.

§ 40.2 Qualifications.

(a) To be eligible for a training grant at the Bureau of the Census the applicant must be:

(1) A bona-fide citizen of a country with whom the United States has proper diplomatic arrangements for such training programs.

(2) Able to speak, read, write, and understand the English language.

(3) Sponsored by his government either directly with the United States or through a public international agency.

(4) Physically able to undertake the activities incident to the course of training and free from communicable diseases.

§ 40.3 Cooperation with bilateral technical assistance programs of the United States.

In compliance with the provisions contained in the Memorandum of Agreement executed between the Department

of Commerce and the Foreign Operations Administration (now AID) on June 10, 1954, the Bureau of the Census is authorized within its areas of competence and available resources to continue its training of foreign nationals under the general guidance of the Department of Commerce and in cooperation with the bilateral technical assistance programs of the United States Government.

§ 40.4 Administrative provisions on selection of participants and funding of costs.

(a) Within the framework of the aforementioned Memorandum of Agreement, the Bureau of the Census will arrange at the request and expense of the Agency for International Development, a program for technical training of foreign participants in censuses and statistics. The Bureau of the Census will be furnished biographic materials, information about the training objectives including, where appropriate, each participant's education and experience, type of training desired, present and future positions with descriptions of duties, and the terms of the training project for each participant or group as far in advance of his arrival in the United States as possible.

(b) The Bureau reserves the right to accept, based on biographical information to be furnished in advance, only those participants whom it finds qualified to make satisfactory use of its training facilities and resources. The Bureau would prefer to develop programs for foreign participants with substantive experience in the statistical activities of their home country.

(c) Arrangements for security clearances, insurance, orientation, international travel, housing, and other administrative responsibilities will be the responsibility of AID under the provisions of the Memorandum of Agreement (Reference: Appendix II, Training of Foreign Nationals).

§ 40.5 Other cooperative arrangements.

The Bureau of the Census also undertakes the training of foreign nationals proposed through the Department of State under the International Exchange Service (IES) or under the sponsorship of public international agencies.

The following Part 50 supersedes and replaces Part 50, "Special Services and Studies by the Bureau of the Census," which was previously published at 21 F.R. 1848, 21 F.R. 5088, 21 F.R. 9382, 23 F.R. 2572, 24 F.R. 711, 24 F.R. 3318, 25 F.R. 6463, 26 F.R. 1210, and 26 F.R. 9511. Portions of Part 50 appeared in the Code of Federal Regulations, Revised 1956, at 15 CFR 26, and the remainder in the Supplement of January 1, 1962, at page 10.

Sec.

50.1 General.

50.5 Fee structure for age search and citizenship information.

50.10 Fee structure for special population censuses.

50.15 Fee structure for unpublished data from the 1960 Population and Housing Census.

50.20 Fee structure for enumeration district maps.

Sec.

50.25 Fee structure for housing data from the 1960 Census of Housing.

50.30 Fee structure for foreign trade and shipping statistics.

AUTHORITY: §§ 50.1 to 50.30 issued under sec. 3, 49 Stat. 293, as amended; 15 U.S.C. 192a. Interprets or applies sec. 1, 40 Stat. 1256, as amended, sec. 1, 49 Stat. 292, sec. 8, 60 Stat. 1013, as amended, 15 U.S.C. 192, 189a, 13 U.S.C. 8.

In accordance with the provisions of section 4 (a) and (c) of the Administrative Procedure Act, it has been found that notice and hearing on this schedule of fees and postponement of the effective date thereof is impracticable and unnecessary for the reason that such procedure, because of the nature of the rules, serves no useful purpose.

§ 50.1 General.

(a) Fee structure for age search and citizenship service, special population censuses, unpublished data from the 1960 Population and Housing Census, enumeration district maps, housing data from the 1960 Census of Housing, and for foreign trade and shipping statistics.

(b) In accordance with the provisions of the acts authorizing the Department of Commerce to make special statistical surveys and studies, and to perform other specified services upon the payment of the cost thereof, the following fee structure is hereby established. No transcript of any record will be furnished under authority of these acts which would violate existing or future acts requiring that information furnished be held confidential.

§ 50.5 Fee structure for age search and citizenship information.

Type of service	Fee
A search in regular turn of not more than 2 censuses for 1 person-----	\$3.00
A priority search of not more than 2 censuses for 1 person-----	4.00
Each additional copy of census transcript-----	1.00

§ 50.10 Fee structure for special population censuses.

(a) The Bureau of the Census is authorized to conduct special population censuses at the request of and at the expense of the community concerned. To obtain a special population census, an authorized official of the community should write a letter to the Director, Bureau of the Census, Washington 25, D.C., requesting detailed information and stating the approximate present population. The Director will reply giving an estimate of the cost and other pertinent information.

(b) The cost of a special population census consists of two parts:

(1) Certain local expenses to be paid directly by the community for salary and travel (if necessary) of enumerators and crewleaders, who are hired locally, and, unless otherwise furnished, for incidental expenses such as office space, telephone, and the like. This portion of the cost will be estimated individually for each requested census, but can be expected ordinarily to range from 10 cents to 15 cents per person enumerated.

(2) Expenses of the Bureau of the Census for preparation of enumerator assignment maps, salary, and travel ex-

penses of the supervisor or supervisors assigned by the Bureau, the cost of tabulation of results, and general office and follows:

Size group	Jan. 1, 1963	Jan. 1, 1964
For places under 500 population..	\$280	\$275.
For places from:		
500 through 699	\$305	\$320.
700 through 699	\$340	\$365.
700 through 799	\$365	\$385.
800 through 899	\$385	\$405.
900 through 999	\$400	\$420.
1,000 through 2,999	\$400, plus \$11 per 100 or fraction over 999.	\$420, plus \$12 per 100 or fraction over 999.
3,000 through 4,999	\$620, plus \$9 per 100 or fraction over 2,999.	\$660, plus \$9 per 100 or fraction over 2,999.
5,000 through 9,999	\$800, plus \$30 per 500 or fraction over 4,999.	\$840, plus \$33 per 500 or fraction over 4,999.
10,000 through 49,999	\$1,100, plus \$46 per 1,000 or fraction over 9,999.	\$1,170, plus \$50 per 1,000 or fraction over 9,999.
50,000 and over.	(1)	(1).

1. For communities of 50,000 population and over, and counties and States, regardless of size, an individual estimate will be prepared.

§ 50.15 Fee structure for unpublished data from the 1960 Population and Housing Census.

(a) The Bureau of the Census is willing to furnish from the 1960 Census of Population and Housing certain data by census tracts and enumeration districts in advance of publication or from tabulations not to be published, provided there is no serious interruption of the Bureau's regular work program. Following is the fee structure for the data listed below. Other special tabulations of data may be arranged by requesting a special cost estimate.

Data available
1. Final counts of total population and housing units by enumeration districts. These districts are established for taking the census and have about 700 inhabitants on the average.

2. Selected population and housing characteristics (Special Table PH-1)—complete count data on age, sex, color, marital status and household relationship; housing units by tenure, color of household head, and vacancy status, condition and plumbing, number of rooms, number of persons and number of persons per room, value of property and contract monthly rent:

a. For enumeration districts.....
\$20 for each contiguous area of 100,000 inhabitants, or fraction thereof, within a State. Minimum order \$100.

b. For untraced areas by minor civil divisions and related areas, i.e., wards of each city of 25,000 or more for which wards have been established, urban places of 2,500 or more, and rural remainder of each minor civil division.

3. Unpublished sample population and housing data for untraced areas by minor civil divisions and related areas (as described in 2b. above). Data are arranged in nine tables designated as Special Tables PH-3 to PH-11.

Data available

4. Supplementary sample tract data on population characteristics relating to residence in 1955, labor force, place of work in more detail than published, and on characteristics of housing units, year structure built, year moved into unit, stories and elevators, trailers, source of water, and sewage disposal. Data appear in table designated as Special Table PH-2.

Fee

\$4.25 per 100 tracts or fraction thereof, except in New England States where special quotation is necessary.

§ 50.20 Fee structure for enumeration district maps.

(a) The Bureau of the Census is willing to furnish maps of municipalities and unincorporated places showing boundaries of enumeration districts. Following is the fee structure:

Population size (1960 Census)	Fee ¹ (each)
Less than 25,000	\$2.00
25,000-49,999	3.00
50,000-100,000	5.00
Each additional 100,000 or fraction thereof	2.50

¹ Minimum order \$5.00. Cost based on individual places, not on aggregate size of two or more places. Slight additional charge for estimate prepared by the Bureau of the Census. Information as to availability and costs of additional maps not described herein may be obtained by writing to the Director.

§ 50.25 Fee structure for housing data from the 1960 Census of Housing.

The Bureau of the Census is authorized to provide characteristics of housing furnished and the fee structure follow:

TABLE OUTLINE

	Total	White	Nonwhite	Fee
All housing units.....	-----	-----	-----	1. For one place or minor civil division, \$130.
TENURE				
Occupied.....	-----	-----	-----	
Owner occupied.....	-----	-----	-----	
Renter occupied.....	-----	-----	-----	
CONDITION AND PLUMBING				
Renter occupied.....	-----	-----	-----	
Sound.....	-----	-----	-----	
With all plumbing facilities.....	-----	-----	-----	
Lacking some or all facilities.....	-----	-----	-----	
Deteriorating.....	-----	-----	-----	
With all plumbing facilities.....	-----	-----	-----	
Lacking some or all facilities.....	-----	-----	-----	
Dilapidated.....	-----	-----	-----	
Vacant available for sale.....	-----	-----	-----	
With all plumbing facilities.....	-----	-----	-----	
Lacking some or all facilities.....	-----	-----	-----	
Vacant available for rent.....	-----	-----	-----	
With all plumbing facilities.....	-----	-----	-----	
Lacking some or all facilities.....	-----	-----	-----	

units for all minor civil divisions recognized in the 1960 Census, for all places containing fewer than 10,000 inhabitants, and for places with more than 10,000 inhabitants but with fewer than 400 housing units with nonwhite head. (For places of 10,000 inhabitants or more with 400 or more housing units with nonwhite head, the data are available from the census publications.) These data are used to obtain counts and classifications of "substandard" housing units as defined by the Public Housing Administration. (A unit is defined as substandard by Public Housing Administration criteria if it is either (a) dilapidated or (b) lacks one or more of the following plumbing facilities: hot and cold piped water inside the structure, flush toilet inside the structure for exclusive use of the occupants of the unit, and bathtub (or shower) inside the structure for exclusive use of the occupants of the unit.)

The table outline showing data to be furnished and the fee structure follow:

2. For any additional place or minor civil division in the same county requested at the same time, \$45, except that a special cost estimate is required for areas with 50,000 inhabitants or more with less than 400 housing units with nonwhite head.

§ 50.30 Fee structure for foreign trade and shipping statistics.

(a) The Bureau of the Census is willing to furnish on a cost basis foreign trade and shipping statistics provided there is no serious interruption of the Bureau's regular work program.

(b) In instances where information requested is not shown separately or not summarized in the form desired, it is necessary to conduct a preliminary investigation at the requestor's expense to determine whether the information can be compiled from the basic records and what the total cost will be. The preliminary investigation normally costs \$125 but may be more depending on the circumstances. The total cost of the final report generally ranges from \$200 to several thousand dollars for data covering a 12-month period.

(c) Upon receipt of a request, information will be furnished as to whether the statistics are available and if so, the cost; or that a preliminary investigation must be conducted. When an investigation is completed, information will be furnished as to the cost of preparing the material, or as to the reason if the statistics cannot be compiled from our basic records.

The fee schedules are effective January 1, 1963, except for that part of § 50.10(b) (2) which indicates an effective date of January 1, 1964.

To obtain the form for requesting age search and citizenship information, write to the Bureau of the Census, Pittsburgh, Kansas. To obtain other data or maps, write a letter to the Director, Bureau of the Census, Washington 25, D.C., enclosing a check or money order based on the appropriate fee structure and made payable to Census, Department of Commerce. When additional information is needed about fees or services, write to the Director.

RICHARD M. SCAMMON,
Director,
Bureau of the Census.

[F.R. Doc. 63-38; Filed, Jan. 3, 1963;
8:47 a.m.]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

APPENDIX—EXTENSION OF TRUST OR RESTRICTED STATUS OF CERTAIN INDIAN LANDS

Trust Periods Expiring During Calendar Year 1963

By virtue of and pursuant to the authority delegated by Executive Order No. 10250 of June 5, 1951, and pursuant to section 5 of the Act of February 8, 1887 (24 Stat. 388, 389), the Act of June 21, 1906 (34 Stat. 325, 326), and the Act of March 2, 1917 (39 Stat. 969, 976), and other applicable provisions of law, it is hereby ordered that the periods of trust or other restrictions against alienation contained in any patent applying to Indian lands, whether of a tribal or individual status, which, unless extended

would expire during the calendar year 1963 be, and the same are hereby extended for a period of five years from the date on which any such trust would otherwise expire.

This Order is not intended to apply to any case in which Congress has specifically reserved to itself authority to extend the period of trust on tribal or individual Indian lands.

STEWART L. UDALL,
Secretary of the Interior.

DECEMBER 27, 1962.

[F.R. Doc. 63-61; Filed, Jan. 3, 1963;
8:49 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Emergency Planning

[OEP Reg. 4]

OEP REG. 4—REGULATIONS UNDER SECTION 232 OF THE TRADE EX- PANSION ACT OF 1962

Sec.

1. Authority.
2. Definitions.
3. General.
4. Criteria for determining effects of imports on national security.
5. Applications for investigation.
6. Confidential information.
7. Conduct of investigation.
8. Emergency action.
9. Report of Director.

AUTHORITY: Sections 1-9 issued under sec. 232, Public Law 87-794.

Section 1. Authority.

These regulations are promulgated pursuant to section 232 of the Trade Expansion Act of 1962, Public Law 87-794, October 11, 1962.

Sec. 2. Definitions.

As used herein "Director" means the Director of the Office of Emergency Planning.

Sec. 3. General.

Upon request of the head of any Government department or agency, upon application of an interested party, or upon his own motion, the Director shall set in motion an immediate investigation to determine the effects on the national security of imports of any article.

Sec. 4. Criteria for determining effects of imports on national security.

(a) In determining the effect on the national security of imports of the article which is the subject of the investigation, the Director is required to take into consideration the following:

- (1) Domestic production needed for projected national defense requirements including restoration and rehabilitation.
- (2) The capacity of domestic industries to meet such projected requirements, including existing and anticipated availabilities of:
 - (i) Human resources
 - (ii) Products
 - (iii) Raw materials

(iv) Production equipment and facilities

(v) Other supplies and services essential to the national defense.

(3) The requirement of growth of such industries and such supplies and services including the investment, exploration and development necessary to assure capacity to meet projected defense requirements.

(4) The effect which the quantities, availabilities, character and uses of imported goods have or will have on such industries and the capacity of the United States to meet national security requirements.

(5) The economic welfare of the Nation as it is related to our national security, including the impact of foreign competition on the economic welfare of individual domestic industries. In determining whether such impact may impair the national security, any substantial unemployment, decrease in revenues of government, loss of skills or investment, or other serious effects shall be considered.

(b) The Director shall also consider other relevant factors in determining whether the national security is affected by imports of the article.

Sec. 5. Applications for investigation.

(a) Applications are required to be in writing. Twenty-five copies shall be filed by mail with the Director, Office of Emergency Planning, Washington 25, D.C.

(b) Applications shall describe how the quantities or circumstances of imports of the particular article affect the national security and shall contain the following information:

(1) Identification of the person, partnership, association, corporation, or other entity on whose behalf the application is filed.

(2) A precise description of the article.

(3) Description of the applicant and the domestic industry concerned, including pertinent information regarding companies and their plants, locations, capacity and current output of the domestic industry concerned with the article in question.

(4) Pertinent statistics showing the quantities and values of both imports and production in the United States.

(5) Nature, sources, and degree of the competition created by imports of the article in question.

(6) The effect, if any, of imports of the article in question upon the restoration of domestic production capacity in an emergency.

(7) Employment and special skills involved in the domestic production of the article.

(8) Extent to which investment and specialized productive capacity is or will be adversely affected.

(9) Revenues of Federal, State, or local Governments which are or may be affected by the volume or circumstances of imports of the article.

(10) Defense or defense supporting uses of the article including data on defense contracts or sub-contracts, both past and current.

(c) Statistical material presented should be on a calendar-year basis for sufficient periods of time to indicate

trends and afford the greatest possible assistance to the Director. Monthly or quarterly data for the latest complete years should be included as well as any other breakdowns which may be pertinent to show seasonal or short-term factors.

Sec. 6. Confidential information.

Information which would disclose confidential business data or operations within the meaning of section 1905 of Title 18 of the United States Code, will be accorded confidential treatment by the Director if submitted in confidence. All information submitted in confidence must be on separate pages marked "Business Confidential."

Sec. 7. Conduct of investigation.

(a) The investigation by the Director, or by such official or agency as he may designate, shall be such as to enable the Director to arrive at a fully informed opinion as to the effect on the national security of imports of the article in question.

(b) Upon undertaking an investigation the Director, unless it would be contrary to the interests of national defense, shall issue a public notice thereof which shall be published in the *FEDERAL REGISTER*. Any interested party may submit to the Director twenty-five copies of any comment, opinion, or data relative to the investigation within forty-five days after such public notice. Rebuttal to material so submitted may be filed with the Director within seventy-five days after such public notice and all data and comment from interested parties shall be a matter of record by ninety days after the giving of such public notice or fifteen days after the close of any hearing conducted under paragraph (f) of this section, whichever is later.

(c) All applications filed and all comments, opinions, and data submitted pursuant to paragraph (b) of this section, except information submitted in confidence as provided in section 6, will be available for inspection at the Office of Emergency Planning in Washington, D.C. where they may be read and copied by interested parties, and the Director will maintain a roster of persons who have submitted material.

(d) The Director or his designee may also request further data from other sources through the use of questionnaires, correspondence, or other means.

(e) The Director or his designee shall, in the course of the investigation, seek information or advice from appropriate Government departments and agencies.

(f) In addition, the Director, or his designee, may, when he deems it appropriate, hold public hearings to elicit further information. If a hearing is held:

(1) The time and place thereof will be published in the *FEDERAL REGISTER*.

(2) It will be conducted by the Director or his designee, and the full record will be considered by the Director in arriving at his determination.

(3) Interested parties may appear, either in person or by representation, and produce oral or written evidence relevant and material to the subject matter of the investigation.

(4) After a witness has testified the Director or his designee may question the witness. Questions submitted to the Director or his designee in writing by any interested party may, at the discretion of the Director or his designee, be posed to the witness for reply for the purpose of assisting the Director in obtaining the material facts with respect to the subject matter of the investigation.

(5) The hearing will be stenographically reported. The Director will not cause transcripts of the record of the hearing to be distributed to the interested parties, but a transcript may be inspected at the Office of the Director in Washington, D.C., or purchased from the reporter.

Sec. 8. Emergency action.

In emergency situations or when in his judgment national security interests require it, the Director may vary or dispense with any of the procedures set forth above and may formulate his views without following such procedures.

Sec. 9. Report of Director.

A report will be made and published upon the disposition of each request, application or motion under section 3 hereof. Notice of publication of a report shall be given in the *FEDERAL REGISTER*. Copies of the report will be available at the Office of Emergency Planning.

These regulations shall be effective upon publication in the *FEDERAL REGISTER* and shall supersede OCDM Reg. 4 (24 F.R. 364) and Amendment 1 thereof (24 F.R. 601).

Dated: December 20, 1962.

EDWARD A. McDERMOTT,
Director, Office of
Emergency Planning.

[F.R. Doc. 63-52; Filed, Jan. 3, 1963;
8:46 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

CHARACTER OF DISCHARGE

Section 3.12 is revised to read as follows:

§ 3.12 Character of discharge.

(a) If the veteran did not die in service, pension, compensation, or dependency and indemnity compensation is not payable unless the period of service on which the claim is based was terminated by discharge or release under conditions other than dishonorable (38 U.S.C. 101(2)). A discharge under honorable conditions is binding on the Veterans Administration as to character of discharge.

(b) A discharge or release from service under one of the conditions specified

in this section is a bar to the payment of benefits unless it is found that the person was insane at the time of committing the offense causing such discharge or release (38 U.S.C. 3103(b)).

(c) Benefits are not payable where the veteran was discharged or released under one of the following conditions:

(1) As a conscientious objector who refused to perform military duty, wear the uniform, or comply with lawful order of competent military authorities.

(2) By reason of the sentence of a general court-martial.

(3) Resignation by an officer for the good of the service.

(4) As a deserter.

(5) As an alien during a period of hostilities, where it is affirmatively shown that he requested his release. See § 3.7(b) (38 U.S.C. 3103(a)).

(d) A discharge or release because of one of the offenses specified in this paragraph is considered to have been issued under dishonorable conditions.

(1) Acceptance of an undesirable discharge to escape trial by general court-martial.

(2) Mutiny or spying.

(3) An offense involving moral turpitude. This includes, generally, conviction of a felony.

(4) Willful and persistent misconduct. This includes a discharge under other than honorable conditions, if it is determined that it was issued because of willful and persistent misconduct. A discharge because of a minor offense will not, however, be considered willful and persistent misconduct if service was otherwise honest, faithful and meritorious.

(5) Generally, homosexual acts.

(72 Stat. 1114; 38 U.S.C. 210)

This regulation is effective January 4, 1963.

[SEAL]

W. J. DRIVER,
Deputy Administrator.

[F.R. Doc. 63-73; Filed, Jan. 3, 1963;
8:50 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department PART 111—CONDITIONS APPLICABLE TO ALL CLASSES

PART 112—RATES AND CONDITIONS FOR SPECIFIC CLASSES

Miscellaneous Amendments

The regulations of the Post Office Department in Parts 111 and 112 are amended to reflect postage rate increases to Canada and Mexico which concurrently become effective January 7, 1963, with domestic postage rate changes. (See 27 F.R. 12483-12485.)

I. In § 111.2 *Postage*, subparagraph (3) of paragraph (e) is amended to increase the exchange rate of Canadian and Mexican international reply coupons from 4 cents to 5 cents. As so amended, subparagraph (3) reads as follows:

(e) *Reply coupons.* * * *

(3) Properly postmarked international reply coupons issued in other countries are exchangeable at United States post offices for postage stamps at the rate of 11 cents each, except that Canadian and Mexican international reply coupons are exchanged at the rate of 5 cents each in postage. Patrons may not redeem more than 100 coupons at one time.

NOTE: The corresponding Postal Manual section is 221.253.

II. In § 112.1 *Letters and letter packages*, amend paragraph (a) to read as follows:

(a) *Rates.* (1) The surface rate for letters and letter packages to Canada and Mexico is 5 cents per ounce. To all other countries it is 11 cents for the first ounce and 7 cents for each additional ounce.

(2) *Airmail.* Canada and Mexico, 8 cents per ounce. For other countries 13, 15, or 25 cents per half ounce. (See individual country items in § 168.5 of this chapter.)

NOTE: The corresponding Postal Manual section is 222.11.

III. In § 112.2 *Post cards*, make the following changes:

A. Amend paragraph (a) to read as follows:

(a) *Rates—(1) Surface.* Canada and Mexico, 4 cents single; reply-paid, 4 cents each half. All other countries, 7 cents single; reply-paid, 7 cents each half.

(2) *Airmail.* Canada and Mexico, 6 cents single; reply-paid, 8 cents on message half, 4 cents on reply half. All other countries, 11 cents single; reply-paid, letter rate (13, 15, or 25 cents) on message half and 7 cents on reply half. There is no provision whereby the reply half may be prepaid for return to the United States by airmail. See § 131.3(c) of this chapter regarding prepayment of foreign reply-paid cards to be transmitted to other countries by airmail.

(3) *Other rates.* Letter rates (surface or air) or printed matter rates, according to the nature of the card, apply to all double cards without prepaid reply. The same rates apply to all cards exceeding the prescribed maximum dimensions.

B. Amend subparagraph (2) of paragraph (d) to read as follows:

(d) *Reply-paid cards.* * * *

(2) *Private cards.* Double cards which are privately prepared for use as reply-paid cards shall have on the front, in the French language, as the heading of the first or message part, the words "Carte postale avec réponse payée" (post card with reply paid), and the words "Carte postale réponse" (reply post card) as the heading on the second or reply part. Each of the two parts must fulfill the other conditions laid down for a single card. Prepayment of the two halves shall be by means of United States postage stamps (4 cents for Canada and Mexico and 7 cents for other countries) affixed to each half.

NOTE: The corresponding Postal Manual sections are 222.21 and 222.242.

IV. In § 112.4 *Printed matter*, make the following changes:

A. In paragraph (a) (1) amend subdivision (i) (a) to read as follows:

(a) *Rates—(1) Surface.* * * *(i) *Regular printed matter.* * * *

(a) To Canada and Mexico—4 cents for the first 2 ounces and 2 cents for each additional ounce or fraction.

NOTE: The corresponding Postal Manual section is 222.411a(1).

B. In paragraph (e) (3), subdivision (ii) is amended to require the use of Form 3542 to report bundles of second-class publications sent to Canada, instead of special statement used; and to increase the minimum postage rate of bundled copies of second-class publications which are mailed by publishers or registered news agents to the Canadian postmaster at the post office of destination to six-tenths of a cent per copy. As so amended, subdivision (ii) reads as follows:

(e) *Preparation and mailing.* * * *(3) *Payment of postage.* * * *

(ii) Postage on second-class and controlled circulation publications mailed by the publisher or by a registered news agent may be paid by means of postage stamps or meter stamps, or the postage charges may be paid in cash before the mailings are dispatched or from deposits of money made with the postmaster by the publisher or news agent. When the postage is to be paid in cash or from money on deposit with the postmaster, the postage charges are computed on Form 3541, "Computation of Second-Class or Controlled Circulation Postage", from reports filed by the publisher or news agent on Form 3542, "Statement Showing Number of Copies of Second-Class or Controlled Circulation Publication Mailed." In the case of second-class addressed to Canada when bundled as prescribed in subparagraph (4) (iii) of this paragraph, the following special conditions apply:

(a) If the postage is paid with stamps affixed to the bundles, the publisher or news agent will weigh and rate each bundle at 2 cents for the first 2 ounces and 1 cent for each additional 2 ounces or fraction.

(b) If the postage is paid in cash or from money deposited with the postmaster, the publisher or news agent must place a write-in "CANADA-BUNDLED" entry on Form 3542 showing the number of bundles and the total number of copies included in the bundles. Unaddressed copies enclosed in packages addressed to one addressee may also be included. Compute the postage charges at 1 cent for each 2 ounces plus 1 cent for each bundle, or at $\frac{1}{10}$ cent per copy, whichever is higher, and carry the computed postage to the appropriate line of column I on Form 3541.

NOTE: The corresponding Postal Manual section is 222.453b.

V. In § 112.6 *Samples of merchandise*, amend subparagraph (1) of paragraph (a) to read as follows:

(a) *Rates—(1) Surface.* Surface rates for samples of merchandise to Canada and Mexico are 4 cents for the first 2 ounces and 2 cents for each additional ounce or fraction, with a minimum charge of 10 cents. To all other countries the rates are 5 cents for the first 2 ounces and 3 cents for each additional 2 ounces or fraction, with a minimum charge of 12 cents.

NOTE: The corresponding Postal Manual section is 226.611.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 505)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 63-79; Filed, Jan. 3, 1963;
8:51 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Upper Mississippi River Wildlife and Fish Refuge, Illinois, Iowa, Minnesota and Wisconsin

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 *Special regulations; sport fishing; for individual wildlife refuge areas.*

ILLINOIS, IOWA, MINNESOTA AND WISCONSIN

UPPER MISSISSIPPI RIVER WILDLIFE AND FISH REFUGE

Sport fishing on the Upper Mississippi River Wildlife and Fish Refuge, Illinois, Iowa, Minnesota, and Wisconsin, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 125,000 acres or 100 percent of the total water area of the refuge, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minn. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Northern pike, walleyed pike, sauger, largemouth and smallmouth bass, and other minor species as permitted by the States' regulations.

(b) Open season: January 1, 1963, through December 31, 1963; subject further to applicable States' seasons.

(c) Daily creel limits:

ILLINOIS

Northern pike—5, size limit 20 inches; walleyed pike and saugers—10 aggregate; largemouth bass—10; smallmouth bass—10; creel limits for other minor species are as prescribed by State regulations.

IOWA

Northern pike—5, size limit 24 inches (in natural lakes only); walleyed pike

and sauger—10 aggregate; largemouth and smallmouth bass—10 aggregate; creel limits for other minor species are as prescribed by State regulations.

MINNESOTA AND WISCONSIN

Northern pike—5; walleyed pike and sauger—6 aggregate; largemouth and smallmouth bass—5 aggregate; creel limits for other minor species are as prescribed by State regulations.

(d) Methods of fishing:

ILLINOIS

(1) It is unlawful to take fish through the ice by use of more than two poles and lines at any one time or with more than two hooks attached to each line; or from any hole cut in the ice that is larger than 12 inches in diameter.

(2) It is unlawful to use any pole and line, or rod and line device to which more than two (2) hooks have been attached; to use more than 50 hooks in the aggregate; (trotline may be used under separate license in excess of 50 hooks).

(3) It is unlawful to use any trotline, throw line or similar device, having hooks spaced at intervals less than 24 inches.

(4) It is unlawful to leave unattended any trotline without a tag indicating name and address of owner.

(5) See applicable State regulations for additional details.

IOWA

(1) No person shall at any time take from the waters of the State any fish, except as otherwise provided in this chapter, except with hook, line and bait, nor shall any person use more than two (2) lines with one (1) hook on each line in still fishing or trolling, and in fly fishing not more than one (1) fly may be used on one (1) line and in trolling and bait casting not more than one (1) trolling spoon or artificial bait may be used on one (1) line. No person shall leave such fish line or lines and hooks in the water unattended or take or attempt to take any fish by snagging or to purposely hook them in any other part than in the mouth. One (1) hook shall mean a single, double or treble pointed hook, and all hooks attached as a part of an artificial bait or lure shall be counted as one (1) hook.

(2) It shall be unlawful for any person to use, in the Mississippi River, more than one (1) throw or trotline having more than twenty-five (25) hooks.

(3) See applicable State regulations for additional detail.

MINNESOTA

(1) It is unlawful to use more than two lines with one hook attached to each or more than two poles with one line attached to each, except that fly fishermen may use two flies on each line.

(2) It is unlawful to spear game fish at any time.

(3) See applicable State regulations for additional detail.

WISCONSIN

(1) It is unlawful to take, catch, or kill fish or fish for fish of any variety with more than 2 lines or 2 poles with 1 line

attached to each pole and with 1 hook or bait to each line except any fisherman fishing with not more than 1 line or pole with 1 line attached thereto may have attached to such line not more than 2 lures or 2 hooks or 2 baits and any fisherman fishing through the ice with hook and line in Lake Winnebago may fish with not more than 3 lines with not more than 1 hook attached to each line and in the Wisconsin-Iowa boundary waters of the Mississippi River may use 5 lines with one bait to each line for fishing through the ice.

(2) See applicable State regulations for additional details.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective to January 1, 1964.

R. W. BURWELL,
Regional Director, Bureau of
Sport Fisheries and Wildlife.

DECEMBER 28, 1962.

[F.R. Doc. 63-55; Filed, Jan. 3, 1963;
8:48 a.m.]

PART 33—SPORT FISHING

Union Slough National Wildlife
Refuge, Iowa

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing;
for individual wildlife refuge areas.

IOWA

UNION SLOUGH NATIONAL WILDLIFE REFUGE

Sport fishing on the Union Slough National Wildlife Refuge, Iowa, is permitted only on the area designated by signs as open to fishing. This open area, comprising 6 acres or one percent of the total water area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minn. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Smallmouth and largemouth bass, bullheads, yellow perch, and other minor species permitted by State regulations.

(b) Open season: January 1, 1963, through February 28, 1963; daylight hours only; except season for bass closes February 15, 1963.

(c) Daily creel limits:

Smallmouth and largemouth bass—5, combined.

Bullheads—no limit.

Yellow perch—15.

Creel limits for other minor species are as prescribed by State regulations.

(d) Methods of fishing:

(1) No more than two lines, with one hook on each line, may be used for fishing; one hook means a single, double, or treble pointed hook.

(2) The use of minnows or fish, or parts thereof, for bait is not permitted.

(3) See applicable State regulations for additional details.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective to March 1, 1963.

R. W. BURWELL,
Regional Director, Bureau of
Sport Fisheries and Wildlife.

DECEMBER 28, 1962.

[F.R. Doc. 63-56; Filed, Jan. 3, 1963;
8:48 a.m.]

PART 33—SPORT FISHING

DeSoto National Wildlife Refuge,
Iowa and Nebraska

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing;
for individual wildlife refuge areas.

IOWA AND NEBRASKA

DE SOTO NATIONAL WILDLIFE REFUGE

Sport fishing on the DeSoto National Wildlife Refuge, Iowa and Nebraska, is permitted only on the areas designated by signs as open to fishing. This open area, comprising 850 acres or 100 percent of the total water area of the refuge, is delineated on a map available at the refuge headquarters and from the Office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minn. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Smallmouth and largemouth bass, sauger, and other minor species permitted under States' regulations.

(b) Open season: January 1, 1963, through February 28, 1963, and from May 1, 1963, through September 15, 1963, daylight hours only.

(c) Daily creel limits:

Smallmouth and largemouth bass—10, combined or singly.

Sauger—10.

Creel limits for other minor species are as prescribed by States' regulations.

(d) Methods of fishing:

(1) No more than two lines, with one hook on each line, may be used for fishing; one hook means a single, double or treble pointed hook.

(2) Trot lines are not permitted.

(3) The use of motor boats is permitted.

(4) See applicable States' regulations for additional details.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

RULES AND REGULATIONS

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective to September 16, 1963.

R. W. BURWELL,
*Regional Director, Bureau of
Sport Fisheries and Wildlife.*

DECEMBER 28, 1962.

[F.R. Doc. 63-57; Filed, Jan. 3, 1963;
8:48 a.m.]

PART 33—SPORT FISHING

Rice Lake National Wildlife Refuge
and Tamarack National Wildlife
Refuge

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing;
for individual wildlife refuge areas.

MINNESOTA

RICE LAKE NATIONAL WILDLIFE REFUGE

Sport fishing on the Rice Lake National Wildlife Refuge, Minnesota, is permitted only on the area designated by signs as open to fishing. This open area, comprising 40 acres or 7 percent of the total water area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minn. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Northern pike, walleyed pike, crappies, and other minor species permitted under State regulations.

(b) Open seasons: From effective date of this publication through February 15, 1963, and from May 18, 1963, through September 30, 1963, and from December 1, 1963, through February 15, 1964, for all species except bass; for bass the season is June 8, 1963, through September 30, 1963, and from December 1, 1963, through February 15, 1964.

(c) Daily creel limits: Northern pike—3; walleyed pike—6; crappies—15. Creel limits for other minor species are as prescribed by State regulations.

(d) Methods of fishing:

(1) No more than one line and one hook may be used, except that three artificial flies may be used in angling for crappies and other minor species, and except that a single artificial bait or trolling spoon may contain more than one hook.

(2) The use of boats, without motors, is permitted.

(3) See State regulations for additional details.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective to February 16, 1964.

TAMARAC NATIONAL WILDLIFE REFUGE

Sport fishing on the Tamarac National Wildlife Refuge, Minnesota, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 9,260 acres or 59 percent of the total water area of the refuge, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Northern pike, walleyed pike, bass, crappies, and other minor species permitted under State regulations.

(b) Open seasons: From effective date of this publication through February 15, 1963, and from May 18, 1963, through September 30, 1963, and from December 1, 1963, through February 15, 1964, for all species except bass; for bass the season is June 8, 1963, through September 30, 1963, and from December 1, 1963, through February 15, 1964.

(c) Daily creel limits: Northern pike—3; walleyed pike—6; bass—6; crappies—15. Creel limits for other minor species are as prescribed by State regulations.

(d) Methods of fishing:

(1) No more than one line and one hook may be used, except that three artificial flies may be used in angling for crappies and other minor species, and except that a single artificial bait or trolling spoon may contain more than one hook.

(2) The use of boats is not permitted on Chippewa Lake; the use of boats, without motors, is permitted on Lost and Waubesa Lakes.

(3) The use of minnows or fish, or parts thereof, either dead or alive, for bait is not permitted.

(4) See State regulations for additional details.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective to February 16, 1964.

R. W. BURWELL,
*Regional Director, Bureau of
Sport Fisheries and Wildlife.*

DECEMBER 28, 1962.

[F.R. Doc. 63-58; Filed, Jan. 3, 1963;
8:48 a.m.]

PART 33—SPORT FISHING

North Platte National Wildlife
Refuge, Nebraska

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing;
for individual wildlife refuge areas.

NEBRASKA

NORTH PLATTE NATIONAL WILDLIFE REFUGE

Sport fishing on the North Platte National Wildlife Refuge, Nebraska, is permitted only on the areas designated by signs as open to fishing. This open area, comprising 3,300 acres or 90 percent of the total water area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minn. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Northern pike, crappies, bullheads and other minor species as permitted under State regulations.

(b) Open season: January 1, 1963, through September 30, 1963.

(c) Daily creel limits: Northern pike—6, crappies and bullheads—no limit; creel limits for other species are as prescribed by State regulations.

(d) Methods of fishing:

(1) No more than two lines with two hooks on each line may be used. One hook means a single, double or treble pointed hook and all hooks attached to an artificial bait are counted as one hook.

(2) Boats, motorboats and other floating craft may be used.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective to October 1, 1963.

NEBRASKA

CRESCENT LAKE NATIONAL WILDLIFE REFUGE

Sport fishing on the Crescent Lake National Wildlife Refuge, Nebraska, is permitted only on the areas designated by signs as open to fishing. This open area, comprising 1330 acres or 32 percent of the total water area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minn. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Northern pike, crappies, bullheads and other minor species as permitted under State regulations.

(b) Open season: January 1, 1963, through September 30, 1963; daylight hours only.

(c) Daily creel limits: Northern pike—6, crappies and bullheads—no limit; creel limits for other species are as prescribed by State regulations.

(d) Methods of fishing:

(1) No more than two lines with two hooks on each line may be used. One hook means a single, double or treble pointed hook and all hooks attached to an artificial bait are counted as one hook.

(2) Boats, without motors, may be used for fishing.

(3) No person shall use minnows, fish, or parts thereof, for bait, nor have in possession any seine or net for capturing minnows.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective to October 1, 1963.

R. W. BURWELL,
*Regional Director, Bureau of
Sport Fisheries and Wildlife.*

DECEMBER 28, 1962.

[F.R. Doc. 63-59; Filed, Jan. 3, 1963;
8:48 a.m.]

PART 33—SPORT FISHING

National Wildlife Refuges, North Dakota

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

NORTH DAKOTA

ARROWWOOD NATIONAL WILDLIFE REFUGE;
LAKE ILO NATIONAL WILDLIFE REFUGE;
LONG LAKE NATIONAL WILDLIFE REFUGE;
LOWER SOURIS NATIONAL WILDLIFE REFUGE;
TEWAUKON NATIONAL WILDLIFE REFUGE;
UPPER SOURIS NATIONAL WILDLIFE REFUGE

Correction. In the special regulations published in the FEDERAL REGISTER, Volume 27, Issue Number 246, pages 12619-20, on December 20, 1962, paragraph 1 under each refuge heading, part (b), should read as follows:

(b) Open season: December 15, 1962, through March 17, 1963; daylight hours only.

R. W. BURWELL,
*Regional Director, Bureau of
Sport Fisheries and Wildlife.*

DECEMBER 27, 1962.

[F.R. Doc. 63-60; Filed, Jan. 3, 1963;
8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 656) has been filed by Fibre Converters, Inc., Three Rivers, Michigan, proposing the issuance of a regulation to provide for the safe use of hydroxyethyl-cellulose film as a food-packaging material.

Dated: December 26, 1962.

J. K. KIRK,
Assistant Commissioner
of Food and Drugs.

[F.R. Doc. 63-54; Filed, Jan. 3, 1963;
8:48 a.m.]

FEDERAL POWER COMMISSION

[18 CFR Part 11]

[Docket No. R-228]

ANNUAL CHARGES PRESCRIBED FOR LICENSEES UNDER FEDERAL POWER ACT

Costs of Administration; Notice of Proposed Rule Making

DECEMBER 28, 1962.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. Under section 10(e) of the Federal Power Act (16 U.S.C. 803(e)), licensees are required to pay reasonable annual charges to be fixed by the Commission for, among other things, the purpose of reimbursing the United States for the costs of administration of Part I of the Act. Section 10(e) of the Act also provides that such charges thereunder may be adjusted from time to time by the Commission as conditions may require.

3. A comparison of the costs of administration of Part I of the Act with administrative charges collected under licenses issued (other than those issued to States and municipalities), shows that for the year 1960 the costs of administration of such licenses totalled \$1,239,641 and that the administrative charges collected for that year totalled \$1,060,457; for the year 1961, the comparable figures were \$1,376,455 and \$1,137,863, respectively; and for the year 1962, the comparable figures were \$1,458,408 and \$1,021,399, respectively.

4. It is proposed to amend § 11.20 *Costs of administration*, of regulations under the Federal Power Act (18 CFR

11.20) so as to base the assessment of annual charges under licenses heretofore or hereafter issued (other than State and municipal) for projects of more than 100 horsepower installed capacity, upon the actual costs of administering Part I of the Act. On June 6, 1958, the Commission issued Order No. 205 (19 FPC 907, 23 F.R. 4312) which amended § 11.20 of its regulations, effective as of January 1, 1957, so as to base the annual administrative charges for State and municipal licenses upon the actual costs of administration of Part I of the Act allocable to such licenses.

5. The proposed amendment herein prescribed and as specifically set forth in the attachment annexed hereto is proposed to be issued under the authority granted the Federal Power Commission by the Federal Power Act, as amended, particularly sections 10(e) and 309 (16 U.S.C. 803(e), 825h).

6. Any person may submit to the Federal Power Commission, Washington 25, D.C., not later than February 5, 1963, data, views, comments and suggestions in writing concerning the proposed amendment to the regulations under the Federal Power Act. An original and nine conformed copies of any such submittals should be filed. The Commission will consider any such written submittals before acting on the proposed amendment.

By direction of the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

Part 11—Annual Charges, of Subchapter B, Regulations under the Federal Power Act, Chapter I of Title 18, Code of Federal Regulations, is amended by amending subparagraphs (1) and (2) of paragraph (a) of § 11.20 to read as follows:

§ 11.20 Costs of administration.

* * * * *

(a) For licensees, other than State or municipal, of projects of more than 100 horsepower of installed capacity:

(1) A determination shall be made for each fiscal year of the costs of administration under Part I of the Federal Power Act chargeable to all licensees other than State and municipal licensees, from which shall be deducted the total amount assessed against other than State and municipal licensees holding licenses for projects of not more than 100 horsepower and minor-part licenses.

(2) For each calendar year such total actual cost of administration as determined under subparagraph (1) of this paragraph above shall be assessed against each such licensee in the proportion that the authorized horsepower installed capacity of each such project bears to the total such capacity under all such outstanding licenses.

[F.R. Doc. 63-75; Filed, Jan. 3, 1963;
8:50 a.m.]

[18 CFR Parts 32, 35, 131]

[Docket No. R-227]

FILING OF RATE SCHEDULES BY PUBLIC UTILITIES AND LICENSEES

Notice of Proposed Rule Making

DECEMBER 28, 1962.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. It is proposed to amend Part 35—Filing of Rate Schedules, Subchapter B—Regulations under the Federal Power Act, Chapter I, Title 18, of the Code of Federal Regulations to prescribe revised regulations governing the filing of rate schedules of public utilities.

3. Part 35 was included as part of this Commission's regulations under the Federal Power Act by Order No. 141, effective January 1, 1948, as amended by Order No. 158 effective May 1, 1951.

4. The proposed revision revises completely the present regulations. More detailed cost and other data will be required hereafter in support of rate schedule submittals. The information provided by this additional data will enable the Commission to process rate schedule filings more expeditiously. Under the present regulations, the data required to be filed is inadequate for efficient evaluation by the Commission of rate schedule filings. In order to give the Commission sufficient time to fully evaluate proposed rates, the proposed regulations increase the time period within which notice of initial rates and services must be given from the present ten-day period to a thirty-day period.

All sections have been renumbered, and numerous editorial changes have been made for purposes of clarification in Part 35 and other parts of the Commission's regulations under the Federal Power Act which are made necessary by the changes in Part 35. As redesignated by new sections and subsection references, the more important changes are as follows:

(1) A provision has been added in § 35.1 *Application; obligation to file rate schedule*, permitting parties to power pooling or interconnection agreements to appoint one representative to file rate schedules and certificates of concurrence on behalf of all the parties, provided Commission authorization is obtained. This was added for the purpose of simplification of rate schedule filings to avoid unnecessary duplication.

(2) New definitions have been added in §§ 35.2 and 35.20 and the former definition of "rate schedule" has been made clearer. Terms defined include: "Electric service", §§ 35.2(a), 35.20; "rate schedule", §§ 35.2(b), 35.2(c); "filing date", § 35.2(c); "posting", § 35.2(d); and "effective rate schedule", § 35.2(e).

(3) The notice requirements, § 35.3, have been amended to permit filing of all rate schedules not less than 30 nor more than 90 days before the proposed effective

tive date of the schedule, unless exception is granted.

(4) A new section, § 35.6, permits a public utility to submit a rate schedule to the Commission staff for suggestions prior to filing the schedule. This practice has been carried out informally in the past and is now being included in the regulations.

(5) Section 35.7 increases from two to five the number of copies of a rate schedule and accompanying data to be filed, when the rate schedule proposes increased rates or charges. The number of copies was increased in order to supply the Commission and its staff with a sufficient number of copies to expedite processing and analysis of such rate schedule changes.

(6) Section 35.8 limits the date by which comments by interested parties must be submitted to 20 days after the date of the rate schedule filing. Presently, the regulations do not specify any time limitation. This will assure time for consideration and review of all comments before Commission action on the rate schedules as filed.

(7) Schedule 35.10 permits reproduction of copies required to be submitted by methods other than printing and photostatic reproduction, provided a clear and permanent record on white durable, 8½" x 11" paper results. This provision was included to permit filing utilities to take advantage of modern advances in methods of permanent reproduction of documents.

(8) Section 35.11 provides for waiver of the notice requirement by the Commission for good cause, upon written application to the Commission showing the effect of such waiver of notice upon seller, purchaser, and purchasers under other rate schedules. This section also provides that for good cause shown, the Commission may permit filing of a rate schedule more than 90 days before it is to become effective.

(9) Under § 35.12 of the proposed regulations, additional information will be required to be submitted with an initial rate filing. The filing public utility will be required to state the basis of the rate or charge proposed and an explanation of its derivation, including a summary statement of all cost computations involved in the derivation.

(10) Section 35.13 of the proposed regulations specifies and requires the submission of cost and other data in support of rate schedule filings, including data showing over-all cost of service and over-all rate of return, to be filed 60 days prior to the proposed effective date of a rate increase. In exercising the rate regulatory authority of this Commission, allocation procedures are necessary. Over-all cost of service and rate of return data will facilitate correct application of such procedures, more informed analysis of the results obtained, and detailed consideration of cost components recoverable through rates subject to this Commission's jurisdiction. Cost components recoverable through rates which are not subject to this Commission's jurisdiction are necessary to assess the effects of interstate and intrastate rate structures of public utilities and possible burdens which each

may impose upon the other. Although more detailed than the present Regulations, the required cost of service data have been kept general and flexible because of the great variety of services which are rendered under rate schedules subject to Commission jurisdiction. The statements required to be submitted under this section are:

A. Balance sheets as of the beginning and end of a test period and of a recent 12-month period.

B. Income statements for these same periods.

C. Statement of the cost of plant by functional classification as of the beginning and end of the test period.

D. Statement of the accumulated depreciation by functional classification as of the beginning and end of the test period.

E. Statement, by components, of the claimed working capital using averages of the amounts as of the beginning and the end of each month of the test period.

F. The percentage of the rate of return claimed, with a brief statement of the basis therefor; and also a statement of debt capital, preferred stock capital, and common stock capital.

G. Operating expenses for the test period shown by functional classification.

H. Depreciation expense for the test period by functional classification.

I. Income taxes for the test period computed on the basis of the rate of return claimed.

J. Other taxes for the test period classified under appropriate headings and simplifications.

K. Over-all cost of service during the test period.

L. Cost of service allocated to the sales or services for which the increased rate or change is proposed.

M. Comparison of allocated cost of service with revenue under the proposed rates.

N. Cost of service related to special facilities.

O. Derivation of the fuel cost adjustment factor.

(11) The proposed Regulations prescribe, in § 35.13(r) specific requirements which must be met by any fuel adjustment clause incorporated in a rate schedule. The basic principles specified in this section provide that fuel adjustment clauses must be designed to adjust for changes both in the cost of fuel and in the heat rate; that they shall include no other adjustments; that the base cost of fuel must be stated in cents per million BTU and the heat rate in BTU's per kilowatt hour; that a zero adjustment shall apply on the effective date of the proposed rate schedule; and that fuel adjustments shall apply only to power supplied from the public utility's thermal electric generating units. These requirements are designed to keep current both the base price of fuel and the operating efficiencies and to eliminate inequities in rates resulting from outdated fuel adjustment factors.

(12) An upper time limit of 90 days has been added to the notice of cancellation requirements in § 35.14.

(13) Section 35.18 permits incorporation by reference of information already submitted to the Commission in the prescribed form. This has been carried out in practice, but this section makes explicit permission to do this.

(14) The section explaining the extent to which these regulations are applicable to licensees, § 35.20, has been clarified and made more explicit.

5. The re-numbering of the sections in Part 35 makes necessary changes in other sections of the Code of Federal Regulations which make reference to Part 35. These changes are as follows:

(1) Section 32.38 of Part 32—Interconnection of Facilities; Emergencies; Transmission to Foreign Country, Chapter I, Title 18, of the Code of Federal Regulations. Change "§§ 35.1 to 35.12" to read: "§§ 35.1 to 35.15".

(2) Section 131.51 of Part 131—Forms, of Subchapter D—Approved Forms, Federal Power Act, Chapter I, Title 18, of the Code of Federal Regulations, Change "(See §§ 35.1–35.12 of this chapter.)" to "(See §§ 35.1–35.20 of this chapter.)".

6. The proposed revisions and amendments to the Commission's regulations under the Federal Power Act as herein described and set forth below in the annexed Appendix A are proposed to be issued under the authority granted the Federal Power Commission by the Federal Power Act, particularly sections 19, 20, 41 Stat. 1073; sections 205, 206, 208, and 309, 49 Stat. 851, 852, 853, 858; 16 U.S.C. 812, 813, 824d, 824e, 824g, and 824h.

7. Any person may submit to the Federal Power Commission, Washington 25, D.C., not later than February 5, 1963, data, views, comments and suggestions in writing concerning the proposed revised regulations. An original and nine conformed copies of any such submittals should be filed. The Commission will consider any such written submittals before acting on the proposed revised regulations.

By direction of the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

§ 35.1 Application; obligation to file rate schedules.

(a) Every public utility shall file with the Commission and post, in conformity with the requirements of this part, full and complete rate schedules, as defined in § 35.2(b), clearly and specifically setting forth all rates and charges for any transmission or sale of electric energy subject to the jurisdiction of this Commission, the classifications, practices, rules and regulations affecting such rates and charges and all contracts which in any manner affect or relate to such rates, charges, classifications, services, rules, regulations or practices, as required by section 205(c) of the Federal Power Act (49 Stat. 851; 16 U.S.C. 824d (c)). Where two or more public utilities are parties to the same rate schedule, each public utility transmitting or selling electric energy subject to the jurisdiction of this Commission shall post and file such rate schedule, or the rate schedule may be filed by one such

public utility and all other parties having an obligation to file may post and file a certificate of concurrence on the form indicated in § 131.52 of this chapter; *Provided, however*, In cases where two or more public utilities are required to file rate schedules or certificates of concurrence such public utilities may authorize a designated representative to file upon behalf of all parties if upon written request such parties have been granted Commission authorization therefor.

(b) A rate schedule applicable to a transmission or sale of electric energy, other than that which proposes to supersede, supplement, cancel or otherwise change the provisions of a rate schedule required to be on file with this Commission, shall be filed as an initial rate in accordance with § 35.12.

(c) A rate schedule applicable to a transmission or sale of electric energy which proposes to supersede, supplement, cancel or otherwise change any of the provisions of a rate schedule required to be on file with this Commission (such as providing for other or additional rates, charges, classifications or services, or rules, regulations, practices or contracts for a particular customer or customers); shall be filed as a change in rate in accordance with § 35.13, except Notices of Cancellation or Termination which shall be filed as a change in accordance with § 35.14.

(d) No public utility shall, directly or indirectly, demand, charge, collect or receive any rate, charge or compensation for or in connection with electric service subject to the jurisdiction of the Commission, or impose any classification practice, rule, regulation or contract with respect thereto, which is different from that provided in a rate schedule required to be on file with this Commission unless otherwise specifically provided by order of the Commission for good cause shown.

§ 35.2 Definitions.

(a) *Electric service.* The term "electric service" as used herein shall mean the transmission of electric energy in interstate commerce or the sale of electric energy at wholesale for resale in interstate commerce, and may be comprised of various classes of capacity and energy sales and/or transmission services. "Electric service" shall include the utilization of facilities owned or operated by any public utility to effect any of the foregoing sales or services whether by leasing or other arrangements. As defined herein, "Electric service" is without regard to the form of payment or compensation for the sales or services rendered whether by purchase and sale, interchange, exchange, wheeling charge, facilities charge, rental or otherwise.

(b) *Rate schedule.* The term "rate schedule" as used herein shall mean a statement of (1) electric service as defined in paragraph (a) of this section, (2) rates and charges for or in connection with that service, and (3) all classifications, practices, rules, regulations or contracts which in any manner affect or relate to the aforementioned service, rates, and charges. This statement shall

be in writing and may take the physical form of a contractual document, purchase or sale agreement, lease of facilities, tariff¹ or other writing. Any oral agreement or understanding forming a part of such statement shall be reduced to writing and made a part thereof.

(c) *Filing date.* The term "filing date" as used herein shall mean the date on which a rate schedule filing is completed by the receipt in the office of the Secretary of all supporting cost and other data required to be filed in compliance with the requirements of this part; unless such rate schedule is rejected as provided in § 35.5.

(d) *Posting.* (1) The term "posting" as used herein shall mean (i) keeping a copy of every rate schedule of a public utility as currently on file with the Commission open and available during regular business hours for public inspection in a convenient form and place at the public utility's principal and district or division offices in the territory served; and (ii) mailing to each purchaser under a rate schedule a copy of such rate schedule on the date it is sent to this Commission for filing.

(2) Posting shall include, in the event of the filing of increased rates or charges, (i) the mailing to each purchaser under a rate schedule or schedules proposed to be changed and to each State commission within whose jurisdiction such purchaser or purchasers distribute and sell electric energy at retail, a copy of the rate schedule showing such increased rates or charges, comparative billing data as required under this part, and, if requested by a purchaser or State commission a copy of the supporting data required to be submitted to this Commission under this part; and (ii) compliance with the provision of the applicable rules and regulations, if any, of all other Federal agencies concerned with such increase in rates or charges. Upon direction of the Secretary the public utility shall serve copies of rate schedules and supplementary data upon parties other than those specified herein.

(e) *Effective rate schedule.* As used herein an "effective rate schedule" shall mean a rate schedule filed and posted pursuant to the requirements of this part and permitted by the Commission to become effective as a filed rate schedule. The effective date of such a rate schedule shall be specified by the Commission.

§ 35.3 Notice requirements.

All rate schedules or any part thereof shall be filed with the Commission and posted not less than thirty days nor more than ninety days prior to the date on which the electric service is to commence and become effective under an initial rate schedule or the date on which the filing party proposed to make any change in electric service and/or rate, charge, classification, practice, rule, reg-

ulation or contract effective as a change in rate schedule, unless a different period of time is permitted by the Commission in accordance with § 35.11. Nothing herein shall be construed as in any way precluding a public utility from entering into agreements which, under this Section, may not be filed at the time of execution thereof by reason of the aforementioned 30 to 90 day prior filing requirements. The proposed effective date of any rate schedule filing having a "filing date" in accordance with § 35.2 (c) will be deferred at the written request of the filing public utility submitted to the Secretary not less than five days prior to such proposed effective date.

§ 35.4 Acceptance for filing not approval.

The acceptance for filing of any rate schedule or part thereof or any notice of cancellation or termination shall not be considered as approval by the Commission.

§ 35.5 Rejection of material submitted for filing.

The Secretary, pursuant to the Commission's rules of practice and procedure and delegation of Commission authority, shall reject any material submitted for filing with the Commission which fails to comply with the applicable requirements set forth in this part, or the Commission's rules of practice and procedure.

§ 35.6 Submission for staff suggestions.

Any public utility may submit a rate schedule or any part thereof or any material relating thereto for the purpose of receiving staff suggestions and comments thereon prior to filing with the Commission.

§ 35.7 Number of copies to be supplied.

(a) Rate schedules or parts thereof and material relating thereto, certificates of concurrence, notices of cancellation or termination, and notices of succession submitted for filing shall be supplied to the Commission in duplicate; *Provided, however*, That a rate schedule filing which proposes increased rates or charges, together with the required data therefor, shall be furnished in quintuplicate.

(b) All documents submitted for filing, including the letter of transmittal, shall be included in one package, and addressed to the Federal Power Commission, Washington 25, D.C. The Secretary is authorized to request additional copies of such documents.

§ 35.8 Comments by interested parties.

Comments of any purchaser or other interested party concerning any rate schedule filing made pursuant to this part should be submitted to the Commission within 20 days after the date of such rate schedule filing. This section shall not limit any opportunity to submit protests, complaints, notices of intervention, and petitions to intervene in accordance with the Commission's rules of practice and procedure.

§ 35.9 Identification and numbering of rate schedules.

(a) Every rate schedule filed will be numbered in the office of the Commis-

¹ The term "tariff" means a compilation, in book form, of rate schedules of a particular public utility, effective under the Federal Power Act, and a copy of each form of service agreement. In connection herewith, attention is invited to Part 154 of the Commission's Regulations under the Natural Gas Act as a guide to the form and composition of a tariff.

sion and the filing public utility advised of the Rate Schedule FPC number. Whenever a rate schedule offered for filing changes, alters or modifies any rate, charge, classification, or service, or any rule, regulation, practice or contract relating thereto, or provides additionally for a rate, charge, classification or service, or any rule, regulation or practice or contract relating thereto, but is dependent upon and amendatory of an existing rate schedule on file with the Commission, it will be designated as a supplement or an exhibit to the existing rate schedule and will be so numbered.

(b) Every rate schedule offered for filing with the Commission under this part, shall show on a title page, which shall be otherwise blank, (1) the name of the filing public utility, (2) the names of other utilities rendering or receiving service under the rate schedule; and (3) a brief description of the service to be provided under the rate schedule.

§ 35.10 Form and style of rate schedules.

All rate schedules filed under this part must be printed or otherwise reproduced on 8½ inches wide by 11 inches long white, durable paper so as to result in a clear and permanent record. All copies must be clear, legible, complete, and must show the name(s) of all signatories to executed documents.

§ 35.11 Waiver of notice requirement.

(a) Upon application and for good cause shown, the Commission may, by order, provide that a rate schedule, or part thereof, shall be effective as of a date prior to the date of filing or prior to the date the filing would become effective in accordance with these rules. Application for waiver of the prior notice requirement shall show (1) how and the extent to which the filing public utility and purchaser(s) under such rate schedule, or part thereof, would be affected if the notice requirement is not waived, and (2) the effects of the waiver, if granted, upon purchasers under other rate schedules, or others whose interests might be affected under the provisions of the Federal Power Act. The filing public utility requesting such waiver of notice shall serve copies of its request therefor upon all purchasers and others as referred to in this section.

(b) The Commission, upon request and for good cause shown, may permit a rate schedule or part thereof to be filed more than 90 days before it is to become effective as specified in § 35.3.

DOCUMENTS TO BE SUBMITTED WITH A FILING

§ 35.12 Filing of initial rate schedules.

(a) The letter of a public utility transmitting to the Commission for filing an initial rate schedule shall list the documents submitted with the filing; give the date on which the service under that schedule is expected to commence; state the names and addresses of those to whom the rate schedule has been mailed; contain a brief description of the kinds of services to be furnished at the rates specified therein; and summarize the circumstances which show that all requisite agreement to the rate schedule or

the filing thereof by all parties who are not signatories to the rate schedule or any contract embodied therein has in fact been obtained by each filing party.

(b) In addition, the following material shall be submitted:

(1) Estimate of the transactions and revenues under an initial rate schedule. This shall include estimates, by months and for the year, of the quantities of services to be rendered and of the revenues to be derived therefrom during the 12 months immediately following the month in which those services will commence. Such estimates should be subdivided by classes of service, customers, and delivery points and shall show all billing determinants, e.g., kw, kwh, fuel adjustment, power factor adjustment.

(2) (i) Basis of the rate or charge proposed in an initial rate schedule and an explanation of how the proposed rate or charge was derived. For example, is it a standard rate of the filing public utility; is it a special rate arrived at through negotiations and, if so, were unusual customer requirements or competitive factors involved; and is it designed to produce a return substantially equal to the filing public utility's overall rate of return or is it essentially an increment cost plus a share of the savings rate? Were special cost of service studies prepared in connection with the derivation of the rate?

(ii) A summary statement of all cost computations involved in arriving at the derivation of the level of the rate shall be submitted with the filing. The Secretary is authorized to require the submission of the complete studies as part of the filing and each filing public utility shall submit the same upon request by the Secretary in such form as he shall direct.

(3) A comparison of the proposed initial rate with other rates of the filing public utility for similar wholesale for resale and transmission services.

§ 35.13 Filing of changes in rate schedules.

(a) The letter of a public utility transmitting to the Commission for filing a rate schedule, or part thereof, to supersede, supplement or otherwise change the provisions of a rate schedule required to be on file with the Commission, shall list the documents submitted with the filing; give the date on which the filing public utility proposes to make the changes in service and/or rate, charge, classification, rule regulation, practice or contract effective; state the names and addresses of those to whom copies of the rate schedule has been mailed; include a brief description of the proposed changes in service and/or rate, charges, etc.; state the reasons for the proposed changes; and summarize the circumstances which show that all requisite agreement to the rate schedule or the filing thereof by all parties who are not signatories to the rate schedule or any contract embodied therein has in fact been obtained by each filing party.

(b) In addition, the following material shall be submitted:

(1) A statement comparing sales and services and revenues therefrom, by

months and for the year, under both the rate schedule proposed to be superseded or supplemented and the proposed changed rate schedule, each applied to the transactions for the 12 months immediately preceding and to the 12 months immediately succeeding the date on which the new rate schedule is to become effective. Such comparisons should be made for each class of service, for each customer, and for each delivery point. The billing quantities involved in the computation of the charges should also be shown.

(2) A comparison of the proposed rate with other rates of the filing public utility for similar wholesale for resale and transmission services.

(3) (i) If the rate schedule provides for an increased rate, then 60 days prior to the date that such changed rate is proposed to become effective the filing public utility shall submit a statement showing its cost of the service to be supplied under the new rate schedule according to supporting statements A through O as described in this section. Simultaneously, the public utility shall submit the material on sales and revenues described in subparagraph (1) of this paragraph and, unless the rate schedule containing the proposed increased rate is likewise simultaneously filed, a summary statement of such proposed increased rate; *Provided, however*, That the submittal of such summary statement of the rate schedule shall not be in lieu of the rate schedule as required to be filed with the Commission pursuant to the regulations of this part.

(ii) The statement of the cost of service should contain an analysis of system costs for a test period of twelve consecutive months including return, taxes, depreciation, and operating expenses, and an allocation of such costs to the services rendered. The information submitted with the statement shall show the data itemized below for a recent 12-month period, together with any significant changes in facilities, operations, or costs experienced during the test period, or which are known and are measurable with reasonable accuracy at the time of the filing, and which will become effective within eight months of the last month of available actual experience. Pursuant to application of the filing public utility made at the time of filing of a rate schedule, the Commission may allow deviations from the data herein required. No cost of service data shall be required in cases where the application of the proposed change in rate schedule effects nominal rate increases resulting from, but subordinate to, changes such as rate design, delivery points and delivery voltage. For purposes of this section nominal rate increases shall be deemed to be increases in rates which for the test period do not exceed the smaller of \$5,000 or five percent of the filing public utility's electric utility operating revenues collected under rates and charges required to be on file with this Commission.

The statement of cost of service shall include: an attestation by the chief accounting officer or other authorized accounting representative of the filing

public utility that the cost statement and supporting data submitted as a part of the filing which purport to reflect the books of the public utility do, in fact, set forth the results shown by such books; and the opinion of an independent public accountant that the book amounts and accounting adjustments of the filing public utility are as shown in the cost statements and supporting data submitted. Following is a description of statements A through O required to be filed pursuant to this paragraph:

Statement A—Balance Sheet.

Balance sheets in the form prescribed by the Commission's Uniform System of Accounts for Public Utilities as of the beginning and the end of (a) the test period and (b) the 12 months of most recently available actual experience, including therein the notes, if any, applicable thereto.

Statement B—Income Statement.

Income statements in the form prescribed by the Commission's Uniform System of Accounts for Public Utilities for the test period and for the 12 months of the most recently available actual experience, including therein the notes, if any, applicable thereto.

Statement C—Cost of Plant.

A statement of the cost of plant by functional classification² as of the beginning and the end of the test period.

Statement D—Accumulated Depreciation.

A statement of the accumulated provision for depreciation by functional classification as of the beginning and the end of the test period.

Statement E—Average Working Capital.

A statement, by components, of the claimed working capital using averages of the amounts as of the beginning and the end of each month of the test period.

Statement F—Rate of Return.

Show the percentage rate of return claimed, with a brief statement of the basis therefor. Additionally, the following data should be furnished:³

(a) *Debt capital.* Show for each class and series of long-term debt outstanding as of the date of the most recent balance sheet:

(1) Title.
(2) Date of issuance and date of maturity.
If callable, call price and date.

(3) Interest rate.
(4) Gross proceeds from issue.
Underwriters discount or commission:
Amount.

Percent gross proceeds.
Issuance expenses:
Amount.

Percent gross proceeds.
Net proceeds.

Net proceeds per unit.

(5) Cost of money and yield to maturity based on the interest rate and net proceeds per unit outstanding determined by reference to any generally accepted table of bond yields.

(6) If issue is owned by an affiliate, state name and relationship of owner.

² Functional classification refers to the classification as among production, transmission, distribution, and general functions.

³ Where fifty percent or more of the common stock of the public utility is not held by the public but is owned by another corporation, the information required by this section in respect of debt capital and preferred stock capital shall be submitted to the extent applicable, and in addition the data described shall be submitted with respect to the debt, preferred stock and common stock of the parent company.

(7) Show weighted average cost of debt capital as determined from the foregoing detail.

(b) *Preferred stock capital.* Show for each class and series of preferred stock outstanding as of the date of the most recent balance sheet:

(1) Title.
(2) Date of issuance.
(3) If callable, call price and date.
(4) If convertible, terms of conversion.
(5) Dividend rate.

(6) Par or stated value of issue and number of shares.

(7) Gross proceeds from issue.
Underwriters discount or commission:
Amount.

Percent gross proceeds.
Issuance expenses:
Amount.

Percent gross proceeds.
Net proceeds.

Net proceeds per unit or share.

(8) Cost of money. Dividend rate divided by net proceeds per unit or share.

(9) Was issue offered to stockholders through subscription rights or to the public?

(10) If issue is owned by an affiliate, state name and relationship of owner.

(11) Show weighted average cost of preferred stock capital as determined from the foregoing detail.

(c) *Common stock capital.* Show for each sale of common stock during the five-year

period preceding the date of the most recent balance sheet:

(1) Date of sale.
(2) Number of shares sold.
(3) Par or stated value of shares sold.
(4) Gross proceeds at offering price.

Underwriters' discount or commission:
Amount.

Percent gross proceeds.

Issuance expenses:
Amount.

Percent gross proceeds.

Net proceeds:

Offering price per share.

Net proceeds per share.

(5) Book value per share at date immediately prior to date of issuance.

(6) Closing market price per share at latest trading date prior to date of issuance.

(7) Latest published earnings per share at date of issuance.

(8) Dividend rate at date of issuance.

(9) Was issue offered to stockholders through subscription rights or to the public?

Give information respecting any stock dividends, stock splits, or changes in par or stated value during five-year period preceding date of most recent balance sheet.

(10) If issue is owned by an affiliate, state name and relationship of owner.

(11) The following information on outstanding common stock for each of the five calendar years preceding the date of the most recent balance sheet:

Years	Average number of shares outstanding	Book value (per share)	Annual earnings (per share)	Annual dividend (rate per share)	Dividends (percent earnings)	Average market price, basis monthly, high-low	Earnings price ratio ¹	Dividend price ratio ²
1.								
2.								
3.								
4.								
5.								

¹ Relationship of annual earnings per share to average of the 12 monthly high-low market values of stock. In the case of monthly data, use latest reported earnings in computing ratio of earnings to average high-low market value for month.

² Relationship of dividend per share to average high-low market value of stock.

(d) List and describe the issue dates and terms of any stock options or option warrants outstanding; include the price or prices at which they are exercisable, the dates of subscription price changes and the dates of expiration of the subscription privileges.

If issued in connection with any particular security, identify the security. State in which issued, and whether or not detachable.

If the options or option warrants are not available for public subscription or purchase, furnish the names of the parties to whom they were issued and the number of warrants issued to each.

Statement G—Operating Expenses.

For the test period show operating expenses by functional classification.

Statement H—Depreciation Expense.

For the test period show depreciation expense by functional classification. The annual rates used in computing such expense and the method of determining such depreciation rates should also be shown.

Statement I—Income Taxes.

For the test period show income taxes computed on the basis of the rate of return claimed and separated as between Federal and State taxes; the principal components of the tax adjustments shall be described and the amounts thereof shown separately. If the filing public utility joins in a consolidated tax return, there shall be given the total estimated tax savings, expressed as a percentage, resulting from the filing of a consolidated return, as well as a full explanation of the method of computing the tax savings. Any abnormalities (such as non-

recurring income, gains, losses, deductions, etc.) affecting the income tax for the test period shall be explained and the tax effect thereon set forth.

Statement J—Other Taxes.

For the test period other taxes shall be classified under appropriate headings of Federal, State and local with appropriate sub-classifications.

Statement K—Over-all Cost of Service.

For the test period show the over-all cost of service for the filing public utility's electric utility operations during the test period, including allowances for return and income taxes based upon the rate of return claimed, together with the total electric utility operating revenues of the filing public utility for the test period. If the amount of the filing public utility's total electric utility operating revenue differs significantly from its overall cost of service including allowances for claimed return and income taxes, the filing public utility shall show the amounts available for return and taxes on income and return expressed as a percentage of rate base.

Statement L—Allocated Cost of Service.

For the test period show the cost of service allocated to the sales or services for which the increased rate or charge is proposed, including the principal determinants used for allocation purposes. In connection therewith, the following data should be submitted:

(1) Computations showing the energy responsibility of the service, based upon considerations of energy sales under the pro-

posed rate schedules and the kwhrs delivered from the filing public utility's supply system.

(2) Computations showing the demand responsibility of the service, based upon considerations of the monthly maximum demands supplied from the seller's system, the maximum demands of the service under the proposed rate schedules, and the demands of the service at the time of the maximum system demand. Such non-coincident and coincident demand data, including date and hour for the system and for the service, should be shown for each month of the test period together with a statement explaining how the demand ratio as used in the filing party's cost study was derived.

(3) Estimated peak hour and annual energy losses applicable to sales under the proposed rate schedule expressed as a percentage of system output.

Statement M—Comparison of Cost of Service.

For the test period compare the allocated cost of service shown in Statement L above with revenues under the proposed rates. If the amount of revenue under the proposed new rates differs significantly from allocated cost of service including allowances for claimed return and income taxes, the filing public utility shall show the amounts available for return and taxes on income, and shall show return expressed as a percentage of rate base allocated to the service concerned.

Statement N—Special Facilities Cost of Service.

In the event the filing public utility considers certain special facilities as being devoted entirely to the service involved, it shall show, in addition to the over-all cost of service, the cost of service related to such special facilities.

Statement O—Fuel Cost Adjustment Factor.

Show the derivation of the fuel cost adjustment factor as stated in the fuel clause of the rate schedule.

These regulations contemplate that the filing of proposed rate schedules which embody fuel clauses failing to conform to the following basic principles may result in suspension of those parts of such rate schedules:

1. The fuel adjustment clause shall be designed to adjust for changes both in the cost of fuel and in the heat rate, so as to reflect changes in the fuel component per kilowatt hour of delivered energy cost.

2. The fuel adjustment clause shall not include adjustments for changes in Federal, State or local taxes, wage rates, capital charges, or any item other than fuel.

3. The base cost of fuel in the fuel adjustment clause shall be stated in cents per million BTU, and the system heat rate shall be based on BTU's per net kilowatt hour.

4. The fuel adjustment clause shall be based upon current fuel prices and current heat rates. If the heat rate is adjusted for transmission losses it shall be based upon current, realistic losses for the applicable sale. The provisions shall be such that a zero adjustment will apply upon the effective date of the proposed rate schedule.

5. For firm power transactions, applicable to systems in which there is hydro-generated or purchased electric power in addition to thermal electric generating sources, fuel adjustments shall apply only to that percentage of energy generated by the filing public utility's thermal electric generating stations. For special types of power transactions involving only the steam, generation, the fuel adjustment clause shall apply to the total energy supplied.

(4) If a rate schedule required to be on file with this Commission is not required to be supported by cost of service data as set forth in this section but such data

may be shown to be necessary, these regulations contemplate that each filing public utility may be required, by letter of the Secretary, to submit specified cost data.

(5) Filing public utilities in completing the support cost of service data herein required should be guided by applicable Commission precedents and policy statements considered in the light of their respective operating conditions and sales and services subject to this Commission's regulatory jurisdiction.

OTHER FILING REQUIREMENTS

§ 35.14 Notices of cancellation or termination.

When a rate schedule or part thereof required to be on file with the Commission is proposed to be cancelled or is to terminate by its own terms and no new rate schedule or part thereof is to be filed in its place, each party required to file the schedule shall notify the Commission of the proposed cancellation or termination on the form indicated in § 131.53 of this chapter at least thirty days but not more than ninety days prior to the date such cancellation or termination is proposed to take effect. A copy of such notice to the Commission shall be duly posted. With such notice each filing party shall submit a statement giving the reasons for the proposed cancellation or termination, a list of the affected purchasers to whom the notice has been mailed, and a computation of the sales made or transmission performed and the revenues therefrom for the 12 months immediately preceding the proposed operative date of the cancellation or termination, using actual data as available, with any estimated data designated as such. For good cause shown, the Commission may by order provide that the notice of cancellation or termination shall be effective as of a date prior to the date of filing or prior to the date the filing would become effective in accordance with these rules.

§ 35.15 Notice of succession.

Whenever the name of public utility is changed, or its operating control is transferred to another public utility in whole or in part, or a receiver or trustee is appointed to operate any public utility, the exact name of the public utility, receiver, or trustee which will operate the property thereafter shall be filed within 30 days thereafter with the Commission on the form indicated in § 131.51 of this chapter.

§ 35.16 Changes relating to suspended rate schedules or parts thereof.

(a) *Withdrawal of suspended rate schedules or parts thereof.* Where a rate schedule or part thereof has been suspended by the Commission, it may be withdrawn without prejudice as to re-filing within a one year period, during the period of suspension only by special permission of the Commission granted upon application therefor and for good cause shown.

(b) *Changes in suspended rate schedules or parts thereof.* A public utility

⁴ See General Policy and Interpretations, § 2.4, Part 2, Subchapter A, Chapter I, Title 18, Code of Federal Regulations (18 CFR 2.4).

may not, within the period of suspension, file any change in a rate schedule or part thereof which has been suspended by order of the Commission except by special permission of the Commission granted upon application therefor and for good cause shown.

(c) *Changes in rate schedules or parts thereof continued in effect and which were proposed to be changed by the suspended filing.* A public utility may not, within the period of suspension, file any change in a rate schedule or part thereof continued in effect by operation of an order of suspension and which was proposed to be changed by the suspended filing, except by special permission of the Commission granted upon application therefor and for good cause shown.

§ 35.17 Rates established by order of the Commission.

Every rate schedule filed to make effective the rates, charges, classifications or services, or any rule, regulation, practice of contract relating thereto, established in conformity with an order of the Commission shall bear the following additional notation on the title page:

Filed in compliance with an order of the Federal Power Commission, Docket No. _____. Entered ____ day of _____.

§ 35.18 Submission of information by reference.

If all or any portion of the information called for in this part has already been submitted to the Commission, in the form prescribed above, specific reference thereto may be made in lieu of re-submission in response to the requirements of this part. In addition to the above filing requirements, the Commission may require the submittal of other pertinent information whenever it is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Federal Power Act.

§ 35.19 Filing of rate schedules, notices, etc., by persons authorized to transmit electric energy from the United States to a foreign country.

Persons authorized to transmit electric energy from the United States to a foreign country and required by the provisions of § 32.38 of this chapter, to file all rate schedules, supplements, notices of succession in ownership or operation, notices of cancellation, and certificates of concurrence with respect to such energy shall do so in the form and manner specified in §§ 35.1 through 35.15 hereof as applicable to public utilities.

§ 35.20 Applicability to licensees and others subject to sections 19 or 20 of the Federal Power Act.

Upon further order of this Commission issued upon its own motion or upon complaint or request by any person or State within the meaning of sections 19 or 20 of the Federal Power Act, the provisions of §§ 35.1 through 35.18 of this part shall be operative as to any licensee or others who are subject to this Commission's jurisdiction in respect to services and the rates and charges of payment therefor by reason of the requirements of sections 19 or 20 of the

Federal Power Act. The requirement of this section for compliance with the provisions of §§ 35.1 through 35.18 of this part shall be in addition to and independent of any obligation for compliance with those regulations by reason of the provisions of sections 205 and 206 of the Federal Power Act. For purposes of applying this section "Electric Service" as otherwise defined in § 35.2(a) of this part shall mean: services to customers or consumers of power within the meaning of sections 19 or 20 of the Federal Power Act which may be comprised of various classes of capacity and energy and/or transmission services subject to the jurisdiction of this Commission.

"Electric Service" shall include the utilization of facilities owned or operated by any licensee or others to effect any of the foregoing sales or services whether by leasing or other arrangements. As defined herein "Electric Service" is without regard to the form of payment or compensation for the sales or services rendered, whether by purchase and sale, interchange, exchange, wheeling charge, facilities charge, rental or otherwise. For purposes of applying this section "Rate Schedule" as otherwise defined in § 35.2(b) of this part shall mean: A statement of (a) electric service as defined in this section (35.20), (b) rates and charges for or in connection with

that service, and (c) all classifications, practices, rules, regulations, or contracts which in any manner affect or relate to the aforementioned service, rates and charges. This statement shall be in writing and may take the physical form of a contractual document, purchase or sale agreement, lease of facilities, tariff⁵ or other writing. Any oral agreement or understanding forming a part of such statement shall be reduced to writing and made a part thereof.

[F.R. Doc. 63-76; Filed, Jan. 3, 1963; 8:50 a.m.]

⁵ See footnote 1 to text.

Notices

FEDERAL POWER COMMISSION

[Project No. 935]

PACIFIC POWER & LIGHT COMPANY; MERWIN PROJECT

Notice of Modification of Land Withdrawal

DECEMBER 28, 1962.

Pursuant to the filing of a completed application for preliminary permit on January 8, 1929, by the Inland Power & Light Company, this Commission gave notice by letters of January 18, 1929, and October 11, 1930, to the General Land Office (now the Bureau of Land Management) of the reservation of approximately 296 acres of United States lands for Project No. 935. This area was in addition to the project lands previously reserved by Project No. 264, making a total of approximately 336.95 acres of United States lands reserved for Project No. 935.

The license for Project No. 935 issued to the Inland Power & Light Company, for a period of 50 years, effective December 12, 1929. By Commission order dated November 23, 1942, this license was transferred to the Pacific Power & Light Company, Public Service Building, Portland 4, Oregon, effective May 14, 1942.

A re-examination of the record discloses that the aforesaid notices embrace certain lands for which patent subsequently issued without a power reservation, and lands that by the filing and approval of revised map exhibits have been eliminated from the project area.

Therefore, in accordance with the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1063), as amended, notice is hereby given that the following described lands insofar as title thereto remains in the United States, are included in power Project No. 935 "as built" according to revised drawings filed as hereinafter cited. Under said section 24 these lands are from the dates of filing noted below reserved from all forms of disposal under the laws of the United States until otherwise directed by the Commission or by the Congress.

WILLAMETTE MERIDIAN

All portions of the following described subdivisions lying within the project boundary as delimited on map exhibits K-2 through 7 (FPC Nos. 935-49 through 54) filed May 20, 1932, and K-8 (FPC No. 935-79) filed November 24, 1959, superseding copies of project maps transmitted with our withdrawal notices of January 18, 1929 and October 11, 1930.

T. 6 N., R. 2 E.
Sec. 24: Lots 2, 3, 4, 5, 9;
Sec. 26: Lot 8.
T. 6 N., R. 3 E.
Sec. 26: Lot 8;
Sec. 28: Lots 5 and 6.

This notice supersedes in their entirety the notices of January 18, 1929, and October 11, 1930, and vacates approximately 120 acres of land reserved thereunder (portions of the eliminated lands are within the Gifford Pinchot National Forest). In addition approximately 74.30 acres of lands reserved for Project No. 935 were vacated by DA-168-Washington, dated September 25, 1962, making a total reduction of 194.30 acres in the area withdrawn for Project No. 935. Approximately 142.65 acres of United States land remain withdrawn for the project, all of which have been previously reserved by Power Site Reserve No. 74 or Project No. 935.

Copies of the amendatory map exhibits (FPC Nos. 935-49 through 54 and 79) have been transmitted to the Bureau of Land Management, Geological Survey, and Forest Service.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 63-53; Filed, Jan. 3, 1963;
8:47 a.m.]

[Docket No. G-8921, etc.]

CITIES SERVICE CO. ET AL.

Order Conditionally Approving Rate Settlement Proposal, Severing and Terminating Proceedings and Pre- scribing Refunds

DECEMBER 26, 1962.

Cities Service Company (Successor in Interest to Arkansas Fuel Oil Corporation) et al.;¹ Docket Nos. G-8921, et al.²

There is now before us for consideration a Settlement Proposal filed on October 12, 1962, by Cities Service Company (Cities Service)³ encompassing the rates for 36 of Cities Service's 38 currently effective gas rate schedules.⁴ No party has objected to the settlement proposal.⁵

In summary, the settlement proposal provides:

(1) Cities Service's rates for sales of natural gas in interstate commerce, to be effective as of October 1, 1962, with three exceptions, are at or below applicable area ceilings;

¹ By order issued herein on March 13, 1961, Cities Service Company was substituted for Arkansas Fuel Oil Corporation as respondent in the latter pending rate proceedings as of December 3, 1960.

² The additional dockets involved herein are set forth in Appendix A hereto.

³ By letter, dated November 5, 1962, and telegram filed November 9, 1962, Cities Service further amended its Settlement Proposal.

⁴ Cities Service rate schedules Nos. 38 and 39 were excluded from the settlement because temporary certificates were not issued until after September 1, 1962, which was the agreed upon cut-off date.

⁵ On November 15, 1962, Philadelphia Electric Company filed its Response. However, Philadelphia Electric did not object to the Settlement Proposal as amended.

(2) Cities Service waives the right to file for contractually authorized increased rates until April 1, 1965, except as provided in paragraph 6 below, and excepting further that with respect to rate schedules Nos. 2, 10, 19, 23 and 25, covering all of its sales in South Louisiana, there is a moratorium on all increased rate filings until January 1, 1967;

(3) Amendment of Cities Service rate schedules Nos. 4, 9, 11, 20, 24, 27, 28, and 30 to eliminate favored nation and price redetermination clauses therefrom; rate schedule No. 26 will be similarly amended and will be further amended by eliminating periodic price increase provisions;

(4) Extension of the make-up clause in the take-or-pay provisions in rate schedules Nos. 2, 19, 23 and 25 from one to four years;

(5) Refunds, with interest at the applicable rate, under all rate schedules where collections were made subject to refund, the difference between the revenues actually received and those which would have been received at the proposed settlement rate, in each instance, commencing with July 1, 1958, to September 30, 1962.

(6) Retention by Cities Service of the right to file for any increased rates, if contractually authorized, up to the applicable area-rate levels determined through area hearings or by amendment of the Commission's Statement of General Policy No. 61-1 and to reflect any increase in state or federal taxes to the extent permitted under the contracts, except under rate schedules Nos. 2, 10, 19, 23 and 25, the rates shall not be increased during the moratorium period aforementioned, unless the Commission shall issue a final order in the Docket No. AR61-2 setting an area ceiling above the settlement rates.

In regard to the elimination of the favored nation and price renegotiation clauses mentioned in paragraph (3) above, Cities Service states that it will amend the rate schedules concerned " * * * as to all presently producing horizons * * *". However, in the Second Amendment to Statement of General Policy No. 61-1, issued December 20, 1960, no such limitation was mentioned nor contemplated. We believe that for a producer to exercise the option afforded by the Second Amendment, the elimination of such clauses from its filed rate schedules must be as to all of the dedicated horizons, whether presently productive or not. We shall modify the proposal accordingly.

With respect to refunds, the various parties to the settlement conferences compiled an agreed-upon cost-of-service. Their studies revealed that during 1958, increased sales and higher initial rates started to equalize Cities Service revenue-cost relationship. In view of that, and all the terms of the settlement proposal, it is appropriate that refunds should be computed for

sales made on and after July 1, 1958 to and including September 30, 1962. In regard to the payment of interest upon the refunds, discussed in paragraph (5) above, Cities Service proposes to terminate the payment of interest on September 30, 1962. However, no reason is given for Cities Service not paying proper interest upon the refunds until such time as it actually pays the money to its purchasers, and we find that none exists. We shall therefore require the payment of interest until the date of refund of the excess monies collected.

The three exceptions to the applicable area ceiling all concern sales made in South Louisiana to United Gas Pipe Line Company (United Gas).⁶ Each of the sales have such unusual circumstances surrounding the initial contract as to cause us to grant an exception in each instance to the area ceiling.

The first is a sale of gas from the Bourg Field in Terrebonne Parish. On September 2, 1954, Arkansas Fuel Oil Corporation (Arkansas Fuel) predecessor in interest to Cities Service, in order to prevent loss through drainage, entered into an agreement with United Gas, the only purchaser in the area at the time, to sell and deliver natural gas from the Bourg Field at six cents per Mcf until November 1, 1954. This short term contract was extended from time to time pending negotiation of a long term contract, which was consummated on May 8, 1957. The price agreed upon in the second contract was 18½ cents per Mcf. We have considered all of the circumstances surrounding this sale and find them to be very similar to others where we have in particular instances regarded the second long term contract to be in the nature of an initial sales contract, Tidewater Oil Company, et al., — FPC —, (Order issued June 15, 1962); John W. Mecom, 25 FPC 1022. Therefore, we find the settlement rate of 16 cents, plus tax reimbursement herein, to be proper, and approved the same.

The second is a sale from the Duck Lake Field. The circumstances surrounding this sale are identical with those set forth in our order in The Ohio Oil Company, et al., Docket Nos. RI60-92, et al., — FPC — (Order issued June 28, 1962). Therefore, we consider the reduction of the presently effective rate of 22.95 cents per Mcf to the settlement rate of 18.0 cents per Mcf to be proper, and approve the settlement rate.

The third exception is a sale from the Crescent Farms Field. Here again, a short term contract was executed shortly prior to the exercise by this Commission of its jurisdiction over independent producers of natural gas, and a long term contract executed subsequent thereto. The settlement rate herein is the same as the rate approved in John W. Mecom (supra) for sales made under identical circumstances from the same field, and in some instances from the same wells.

Such circumstances are interrelated with those which we considered in the adjoining Hollywood Field and caused us to grant a similar exception in Tidewater Oil Company, et al., Docket Nos. G-13310, et al., — FPC — (Order issued June 15, 1962). Therefore, we find the settlement rate to be proper.

The Settlement Proposal includes three rates for which issuance of related permanent certificates is pending, and service is being rendered under temporary authorizations.⁷ Section 7 of the Act requires a hearing on such certificate applications. We propose, therefore, to promptly sever such proceedings from the proceedings in Docket No. AR61-2, and to set these certificate matters for abridged hearing, indicating that the proposed initial price is the settlement price. In the meantime, Cities Service shall charge and collect the settlement rates as of the date of this order, or, if it elects to continue charging the present rate, it shall forthwith file its undertaking, agreeing to refund the difference between the present rate collected by it, and the rate established in the order granting the permanent certificate in each instance from the date of this order to the date of the order issuing it a permanent certificate.

On February 29, 1956, an order was issued in these consolidated proceedings further consolidating proceedings concerning rate increase filings of three other respondents, namely R. H. Goodrich, W. H. Cocke and C. N. Johnston, et al. We shall sever the Cities Service dockets from the consolidated proceedings, and shall separately pass on settlement proposals recently filed by Goodrich and Cocke.

Cities Service avers that the Settlement proposal provides for price stability which would be beneficial to the public and advantageous to all concerned by relieving the Commission, the pipeline purchasers, their customers and Cities Service itself of the time and expense which would be necessary to the conduct of future rate proceedings.

The instant Settlement Proposal as herein modified, and in other particulars not specifically noted herein, meets the criteria previously set forth in other of our recent settlement orders,⁸ and, accordingly we find it to be in the public interest and should be approved as hereinafter provided.

Our action herein should not be construed, nor may it be, as constituting

⁷ Docket Nos. G-16563, CI60-198 and CI61-736.

⁸ Tidewater Oil Co., et al., Docket Nos. G-13310, et al., Order Conditionally Approving General Rate Settlement, issued June 15, 1962, — FPC —; The Ohio Oil Co., et al., Docket Nos. RI60-92, et al., Order Approving General Rate Settlement Proposal and Terminating Proceedings, issued June 28, 1962, — FPC —; Shell Oil Company, et al., Docket Nos. G-9446, et al., Order Conditionally Approving General Rate Settlement Proposal, Severing Proceedings, Terminating Proceeding and Requiring Refunds, issued August 1, 1962, — FPC —.

approval of any future rate increase, if any, that may be filed under the subject rate schedules, and is without prejudice to any findings or order of the Commission in any future proceedings, including area rate proceedings, involving Cities Service rates and rate schedules.

The Commission finds:

(1) The proposed settlement of the subject proceedings on the basis described herein, as more fully set forth in Cities Service Settlement Proposal filed October 12, 1962, as herein modified, is in the public interest and it is appropriate in carrying out the provisions of the Natural Gas Act that it be conditionally approved and conditionally made effective subject to the modifications herein-after ordered.

(2) Good cause exists for approving the settlement rates, for severing and terminating certain proceedings, for severing certain other proceedings, and providing for refunds.

The Commission orders:

(A) The settlement of these proceedings on the basis of the Settlement Proposal, filed October 12, 1962, as herein modified, is approved and made effective subject to the following terms and conditions.

(B) The applicable settlement rates set out in Appendix A hereto, except for the settlement rates proposed in Docket Nos. G-16563 and CI60-198, are approved and shall be effective as of October 1, 1962.

(C) Cities Service shall substitute, in lieu of its proposed elimination of the favored nation and price renegotiation clauses in Rate Schedule Nos. 4, 9, 11, 20, 24, 27, 28, and 30 only to all presently producing horizons, the elimination of such clauses in said rate schedules as to all present and future producing horizons of acreage presently dedicated to the contracts comprising said rate schedules.

(D) The pending certificate proceedings indicated in Appendix A hereto shall not be terminated on the basis of the settlement, but shall be determined after hearing.

(E) Cities Service shall, over the signature of a responsible officer, file with the Commission, within 15 days from the date of issuance of this order, in writing an original and one copy of its acceptance or rejection of the terms and conditions of this order.

(F) Within 90 days from the date of this order, Cities Service shall make such filings under its rate schedules as are required to make effective the terms of the Settlement Proposal, as amended and modified.

(G) Within 90 days from the date of this order, Cities Service shall (1) refund, with interest as specified in each docket computed to the date of actual refund, the difference between the rates collected subject to refund on and after July 1, 1958 and the related settlement rates; and (2) report to the Commission, in writing, the amount of refund made

⁶ United Gas representatives attended and participated in the settlement conferences herein.

to each of its purchasers, showing separately the amount of principal and interest so paid, and the bases used for such determination, together with releases from its purchasers showing receipt of the refunds in conformity with the settlement as modified and approved.

(H) Within 30 days from the date of issuance of this order, Cities Service shall advise the Commission in the manner set forth below of its election to place the settlement rates proposed herein in effect in Docket Nos. G-16563 and CI60-198, or to continue charging the higher rates now in effect pending disposition of the matters involved in these proceedings. In the event Cities Service desires to place the proposed settlement rates in effect, Cities Service shall so notify the Commission and the temporary certificates granted in the above-designated proceedings shall be amended to provide for the settlement rates specified in the Settlement Proposal effective as of the date of this order. If, however, Cities Service elects to continue charging the higher rates now in effect, Cities Service shall file in each certificate proceeding mentioned above a satisfactory agreement and undertaking to refund, with interest at 7 per cent per annum from the date of payment to Cities Service until refunded, the difference between the rate collected by it on and after the date of issuance of this order and the rate established in the order granting the permanent certificate.

(I) The proceedings in Docket Nos. G-8921, G-9386, G-9571, G-9800, G-10036, G-11289, G-11290, G-11311, G-11327, G-12997, G-13424, G-13430, G-13467, G-13502 and G-13503 are hereby severed from the consolidated proceedings heretofore designated as Cities Service Company, et al. Docket Nos. G-8921, et al., which shall be hereafter designated as R. H. Goodrich, et al., Docket Nos. G-8977, et al.

(J) Docket Nos. G-16517, RI61-109, RI61-262, RI61-263 and G-19639 (insofar as it pertains to sales in South Louisiana) are hereby severed from the consolidated proceedings in Docket Nos. AR61-2, et al. Upon full compliance by Cities Service with all the terms and provisions of this order the section 4(e) proceedings listed in Appendix A hereof shall terminate.

(K) This order is without prejudice to any findings or orders which have been, or may be, made hereafter by the Commission, and is without prejudice to claims or contentions which may be made by Cities Service, the Commission staff, or any affected party herein, in any proceedings now pending, or hereafter instituted by or against Cities Service, or any other companies, person, or parties affected by this order.

By the Commission.

[SEAL]

JOSEPH H. GUTRIDE,
Secretary.

APPENDIX A

CITIES SERVICE COMPANY (SUCCESSOR IN INTEREST TO ARKANSAS FUEL OIL CORPORATION)

Rate schedule No.	Purchaser	Field	Effective rate, cents/Mcf as of July 1, 1962	Proposed settlement price, cents/Mcf	Rate suspension docket
North Louisiana:					
1.....	Arkansas Louisiana.....	Haynesville.....	11.796	11.796	G-17680, G-19005, RI62-8, G-9386, G-11327, G-13424, G-16653, G-19640, RI61-110, RI62-65.
5.....	do.....	Rodessa.....	6.25	6.25	
6.....	Southern Natural.....	Logansport.....	13.2473	13.2473	
22.....	Texas Eastern.....	Greenwood.....	16.4161	15.75	
South Louisiana:					
2.....	United Gas.....	Bourg.....	22.25	17.75	G-12997, RI61-262, G-8921, G-9571, G-11289, G-13467, G-10036, RI61-263, G-9800, G-11290, G-13430, G-16517, G-19639, RI61-109, RI62-66, RI62-246.
10.....	do.....	Duck Lake.....	22.95	18.0	
19.....	do.....	Crescent Farms.....	22.25	19.25	
23.....	United Fuel.....	Bourg.....	20.3	17.5	
25.....	United Gas.....	Lapeyrouse.....	22.25	20.25	G-12997, RI61-262, G-8921, G-9571, G-11289, G-13467, G-10036, RI61-263, G-9800, G-11290, G-13430, G-16517, G-19639, RI61-109, RI62-66, RI62-246.
Mississippi 37.....	do.....	Magee.....	18.0	18.0	
Texas Railroad Commission District 2: 33.....	Texas Eastern.....	South Cottonwood Creek.....	5.46048	5.46048	
Texas Railroad Commission District 4: 4.....	Tennessee Gas.....	Mariposa.....	17.24347	14.6	G-19846, RI60-299, G-13584, G-19846, RI60-299, G-13377, G-16654, G-19639, RI61-100, RI62-66, G-13404, G-16653, G-19640, RI61-101, RI62-65, G-13377, G-16654, G-19662, RI61-100, RI62-66, G-19663, RI61-101, RI62-65.
9.....	United Gas.....	Mustang Island.....	14.8	14.6	
20.....	Tennessee Gas.....	North Rincon.....	17.24347	14.6	
26.....	Texas Eastern.....	Puerto Bay.....	15.2	15.0	
27.....	do.....	May.....	15.2	14.6	
28.....	do.....	Midway.....	15.2	14.6	
30.....	do.....	South May.....	15.2	14.6	
31.....	United Gas.....	Corpus Channel Northwest.....	18.2304	15.0	
34.....	Tennessee Gas.....	Rincon and North Rincon.....	17.24	15.0	
36.....	Texas Eastern.....	Santa Rosa.....	15.0	15.0	
Texas Railroad Commission District 6:					
3.....	Arkansas Louisiana.....	Waskom.....	11.7438	11.7438	G-13503, G-16654, G-19639, RI61-109, RI62-61.
7.....	United Gas.....	Bethany.....	10.8876	10.8876	
8.....	do.....	Carthage.....	11.9004	11.9004	
11.....	Texas Eastern.....	do.....	15.2	14.6	
12.....	United Gas.....	do.....	10.8876	10.8876	
13.....	do.....	do.....	10.8876	10.8876	
14.....	Mobil (for sale to TXGT).....	do.....	10.6176	10.6176	
15.....	Arkansas Louisiana.....	Waskom.....	11.7438	11.7438	
16.....	do.....	Jefferson.....	3.0	3.0	
17.....	United Gas.....	Elysian Fields.....	10.8876	10.8876	
18.....	Arkansas Louisiana.....	Waskom.....	11.7438	11.7438	
21.....	do.....	Carthage.....	12.7566	12.7566	
24.....	Texas Eastern.....	Willow Springs.....	15.2	14.6	G-11311, G-13502, G-16653, G-19640, RI61-110, RI62-65.
29.....	Natural Gas Pipeline.....	Caledonia.....	13.1	13.1	
32.....	Texas Eastern.....	Willow Springs.....	15.2	14.8	

¹ Effective rate as of July 11, 1962.

² Effective rate as of Sept. 28, 1962.

PENDING DOCKETS INCLUDED IN SETTLEMENT
FOR WHICH PERMANENT CERTIFICATES HAVE
NOT BEEN ISSUED

Docket No.:	R.S. No.
G-16563 -----	31
CI60-198 -----	34
CI61-736 -----	(1)

¹ Succession to Arkansas Fuel Oil Corp.

[F.R. Doc. 63-4; Filed, Jan. 3, 1963;
8:45 a.m.]

DEPARTMENT OF THE TREASURY

Coast Guard

[CGFR 62-45]

EQUIPMENT, INSTALLATIONS, OR MATERIALS

Approval Notice

1. Various items of lifesaving, fire-fighting, and miscellaneous equipment, installations, and materials used on merchant vessels subject to Coast Guard inspection or on certain motorboats and other pleasure craft are required by law and various regulations in 46 CFR Chapter I to be of types approved by the Commandant, United States Coast Guard. The procedures governing the granting of approvals, and the cancellation, termination or withdrawal of approvals are set forth in 46 CFR 2.75-1 to 2.75-50, inclusive. For certain types of equipment, installations, and materials, specific specifications have been prescribed by the Commandant and are published in 46 CFR Parts 160 to 164, inclusive (Subchapter Q—Specifications), and detailed procedures for obtaining approvals are also described therein.

2. The Commandant's approval of a specific item is intended to provide a control over its quality. Therefore, such approval applies only to the item constructed or installed in accordance with the applicable requirements and the details described in the specific approval. If a specific item when manufactured does not comply with the details in the approval, then such item is not considered to have the Commandant's approval, and the certificate of approval issued to the manufacturer does not apply to such modified item. For example, if an item is manufactured with changes in design or material not previously approved, the approval does not apply to such modified item.

3. After a manufacturer has submitted satisfactory evidence that a particular item complies with the applicable laws and regulations, a Certificate of Approval (Form CGHQ-10030) will be issued to the manufacturer certifying that the item specified complies with the applicable laws and regulations and approval is given, which will be in effect for a period of 5 years from the date given unless sooner canceled or suspended by proper authority.

4. The purpose of this document is to notify all concerned that certain approvals were granted, as described in this document, during the period from 3 October to 17 October, 1962. These actions were taken in accordance with procedures set forth in 46 CFR 2.75-1 to 2.75-50, inclusive.

5. The delegations of authority for the Coast Guard's actions with respect to approvals may be found in Treasury Department Orders 120 dated July 31, 1950 (15 F.R. 6521), 167-14 dated November 26, 1954 (19 F.R. 8026), 167-15 dated January 3, 1955 (20 F.R. 840), 167-20 dated June 18, 1956 (21 F.R. 4894), CGFR 56-28 dated July 24, 1956 (21 F.R. 5659), or 167-38 dated October 26, 1959 (24 F.R. 8857), and the statutory authority may be found in R.S. 4405, as amended, 4462, as amended, 4488, as amended, 4491, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 54 Stat. 346, as amended, sec. 3, 70 Stat. 152 (46 U.S.C. 375, 416, 481, 489, 367, 526p, 1333, 390b), sec. 4(e), 67 Stat. 462 (43 U.S.C. 1333(e)), or sec. 3(c), 68 Stat. 675 (50 U.S.C. 198), and implementing regulations in 46 CFR Chapter I or 33 CFR Chapter I.

6. In part I of this document are listed the approvals granted which shall be in effect for a period of 5 years from the dates granted, unless sooner canceled or suspended by proper authority.

GAS MASKS, SELF-CONTAINED BREATHING APPARATUS, AND SUPPLIED-AIR RESPIRATORS

Approval No. 160.011/22/1, Type WUG-N1 Universal Gas Mask, Bureau of Mines Approval No. 1443, Willson Catalog No. 49, P. 50, formerly Bureau of Mines Approval No. BM-1432, manufactured by Willson Products Division Ray-O-Vac Co., Reading, Pennsylvania, effective October 11, 1962. (It is an extension of Approval No. 160.011/22/1 dated October 11, 1957.)

Approval No. 160.011/23/1, Type WUG-N2 Universal Gas Mask, Bureau of Mines Approval No. 1445, Willson Catalog No. 49, P. 50, formerly Bureau of Mines Approval No. BM-1433, manufactured by Willson Products Division, Ray-O-Vac Co., Reading, Pennsylvania, effective October 11, 1962. (It is an extension of Approval No. 160.011/23/1 dated October 11, 1957.)

Approval No. 160.011/32/0, SurvivAir No. 9030-00, one-half hour self-contained compressed-air breathing apparatus, at least one extra fully charged cylinder of breathing air to be included as a part of the complete unit, Bureau of Mines Approval No. 13D-12 only for use with BM 13D-12 facepiece and BM 13D-12 pressure regulator and assembly, assembly dwg. No. 9030-00, Rev. C dated 6 July 1962, manufactured by SurvivAir, Division of U.S. Divers Co., 3323 West Warner Avenue, Santa Ana, California, effective October 4, 1962.

WINCHES, LIFEBOAT

Approval No. 160.015/67/1, Type HPH lifeboat winch for use with Type SPD-24 mechanical davit, fitted with wire rope not more than ½ inch in diameter and not more than 2 wraps of the falls on the drums; approved for a maximum working load of 6,300 pounds pull at the drums (3,150 pounds per fall); identified by general assembly dwg. 3011-10R, revision B dated July 26, 1961; manufactured by Marine Safety Equipment Corp., Point Pleasant Beach, New Jersey, effective October 17, 1962. (It su-

persedes Approval No. 160.015/67/0 dated May 15, 1961.)

Approval No. 160.015/69/1, Type HPM lifeboat winch for use with Type SPD-24 mechanical davit fitted with wire rope not more than ½ inch in diameter and with not more than 2 wraps of the falls on the drums; approval is limited to mechanical components only and is for a maximum working load of 6,300 pounds pull at the drums (3,150 pounds per fall); identified by general assembly dwg. 3011-10RM, revision D dated September 9, 1962; manufactured by Marine Safety Equipment Corp., Point Pleasant Beach, New Jersey, effective October 17, 1962. (It supersedes Approval No. 160.015/69/0 dated March 10, 1961.)

SEA ANCHORS, LIFEBOAT

Approval No. 160.019/11/0, Type JF lifeboat sea anchor, U.S.C.G. dwg. No. MMI-562 and specification dated November 1, 1943, revised August 24, 1944, manufactured by Samuel Fassman Co., 2776 Atlantic Avenue, Brooklyn 7, New York, effective October 11, 1962. (It is an extension of Approval No. 160.019/11/0 dated October 11, 1957.)

LIFE FLOATS

Approval No. 160.027/10/1, 7.0' x 3.5' (10" x 10" body section), elliptical, solid balsa wood life float, 10-person capacity, dwg. No. G-331 dated December 13, 1943, revised June 5, 1952, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, New York, effective October 11, 1962. (It is an extension of Approval No. 160.027/10/1 dated October 11, 1957.)

Approval No. 160.027/11/1, 8.5' x 4.0' (11" x 11" body section), elliptical, solid balsa wood life float, 15-person capacity, dwg. No. G-331 dated December 13, 1943, revised June 5, 1952, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, New York, effective October 11, 1962. (It is an extension of Approval No. 160.027/11/1 dated October 11, 1957.)

Approval No. 160.027/12/1, 9.0' x 5.5' (12" x 12" body section), elliptical, solid balsa wood life float, 20-person capacity, dwg. No. G-331 dated December 13, 1943, revised June 5, 1952, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, New York, effective October 11, 1962. (It is an extension of Approval No. 160.027/12/1 dated October 11, 1957.)

Approval No. 160.027/13/1, 10.0' x 5.5' (12" x 12" body section), elliptical, solid balsa wood life float, 25-person capacity, dwg. No. G-331 dated December 13, 1943, revised June 5, 1952, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, New York, effective October 11, 1962. (It is an extension of Approval No. 160.027/13/1 dated October 11, 1957.)

Approval No. 160.027/14/1, 11.5' x 7.0' (14" x 14" body section), elliptical, solid balsa wood life float, 40-person capacity, dwg. No. G-331 dated December 13, 1943, revised June 5, 1952, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, New York, effective October 11, 1962. (It is an extension of

Approval No. 160.027/14/1 dated October 11, 1957.)

Approval No. 160.027/15/1, 13.0' x 8.5' (16" x 16" body section), elliptical, solid balsa wood life float, 60-person capacity, dwg. No. G-331 dated December 13, 1943, revised June 5, 1952, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, New York, effective October 11, 1962. (It is an extension of Approval No. 160.027/15/1 dated October 11, 1957.)

LIFEBOATS

Approval No. 160.035/300/1, 24.0' x 8.0' x 3.5' aluminum, motor-propelled (diesel) lifeboat without radio cabin (Class B), 37-person capacity, identified by construction and arrangement dwg. No. 24-9H, Rev. B dated September 25, 1962, manufactured by Marine Safety Equipment Corp., Point Pleasant Beach, New Jersey, effective October 16, 1962. (It reinstates and supersedes Approval No. 160.035/300/0 dated May 19, 1953.)

Approval No. 160.035/426/0, 28.0' x 8.46' x 3.97' steel, motor-propelled (diesel) lifeboat, 52-person capacity, identified by construction and arrangement drawing No. 28-10, Rev. A dated October 3, 1962, manufactured by Marine Safety Equipment Corp., Point Pleasant Beach, New Jersey, effective October 3, 1962.

KITS, FIRST-AID

Approval No. 160.041/4/0, First-aid kit, Model No. H-24, dwg. No. H-24-K, revised July 11, 1952, manufactured by A. E. Halperin Co., Inc., 75-87 Northampton Street, Boston 18, Massachusetts, effective October 11, 1962. (It is an extension of Approval No. 160.041/4/0 dated October 11, 1957.)

BUOYANT VESTS, UNICELLULAR PLASTIC FOAM, ADULT AND CHILD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.052/101/2, Type II, Model JV-L, adult unicellular plastic foam buoyant vest, dwg. JV-L No. 3 dated October 1, 1962, manufactured by Jones & Yandell Division, American Tent Company, P.O. Box 270, Canton, Mississippi, effective October 12, 1962. (It supersedes Approval No. 160.052/101/1 dated September 12, 1961.)

Approval No. 160.052/102/2, Type II, Model JV-M, child, medium, unicellular plastic foam buoyant vest, dwg. JV-M No. 3 dated September 29, 1962, manufactured by Jones & Yandell Division, American Tent Company, P.O. Box 270, Canton, Mississippi, effective October 12, 1962. (It supersedes Approval No. 160.052/102/1 dated September 12, 1961.)

Approval No. 160.052/103/2, Type II, Model JV-S, child, small, unicellular plastic foam buoyant vest, dwg. JV-S No. 3 dated September 29, 1962, manufactured by Jones & Yandell Division, American Tent Company, P.O. Box 270, Canton, Mississippi, effective October 12, 1962. (It supersedes Approval No. 160.052/103/1 dated September 12, 1961.)

Approval No. 160.052/174/0, Type II, Model No. LV, adult unicellular plastic foam buoyant vest, dwg. Nos. 1 and 2 dated September 24, 1962, and Bill of

Materials dated October 5, 1962, manufactured by Brunswick Corp., Brunswick Sports Division, Eminence, Kentucky, effective October 12, 1962.

Approval No. 160.052/175/0, Type II, Model No. LVCM, child, medium unicellular plastic foam buoyant vest, dwg. Nos. 1 and 3 dated September 24, 1962, and Bill of Materials dated October 5, 1962, manufactured by Brunswick Corp., Brunswick Sports Division, Eminence, Kentucky, effective October 12, 1962.

Approval No. 160.052/176/0, Type II, Model No. LVCS, child small unicellular plastic foam buoyant vest, dwg. Nos. 1 and 4 dated September 24, 1962, and Bill of Materials dated October 5, 1962, manufactured by Brunswick Corp., Brunswick Sports Division, Eminence, Kentucky, effective October 12, 1962.

Approval No. 160.052/182/1, Type II, Model 244, child, small unicellular plastic foam buoyant vest, Jones & Yandell dwg. JV-S No. 3 dated September 29, 1962, manufactured by Jones & Yandell Division, American Tent Co., P.O. Box 270, Canton, Mississippi, for The American Pad & Textile Co., Greenfield, Ohio, effective October 12, 1962. (It supersedes Approval No. 160.052/182/0 dated September 10, 1962.)

Approval No. 160.052/183/0, Type II, Model No. 300, adult unicellular plastic foam buoyant vest, dwg. Nos. 1 and 2 dated March 3, 1962, Rev. 1 dated October 5, 1962, and Bill of Materials dated October 5, 1962, manufactured by International Cushion Co., 1110 Northeast Eighth Avenue, Fort Lauderdale, Florida, effective October 8, 1962.

Approval No. 160.052/184/0, Type II, Model No. 400, child medium unicellular plastic foam buoyant vest, dwg. Nos. 1 and 3 dated March 3, 1962, Rev. 1 dated October 5, 1962, and Bill of Materials dated October 5, 1962, manufactured by International Cushion Co., 1110 Northeast Eighth Avenue, Fort Lauderdale, Florida, effective October 8, 1962.

Approval No. 160.052/185/0, Type II, Model No. 500, child small unicellular plastic foam buoyant vest, dwg. Nos. 1 and 4 dated March 3, 1962, Rev. 1 dated October 5, 1962, and Bill of Materials dated October 5, 1962, manufactured by International Cushion Co., 1110 Northeast Eighth Avenue, Fort Lauderdale, Florida, effective October 8, 1962.

SAFETY VALVES (POWER BOILERS)

Approval No. 162.001/5/1, Style HRC-MS-1 carbon steel body pop safety valve, 350 p.s.i. maximum pressure, 450° F. maximum temperature, dwg. No. B-33675 dated August 22, 1941, and G-33675 dated July 16, 1952, approved for sizes 2", 2½", 3", 3½", and 4", manufactured by Crosby Valve & Gage Company, Wrentham, Massachusetts, effective October 11, 1962. (It is an extension of Approval No. 162.001/5/1 dated October 11, 1957.)

Approval No. 162.001/6/1, Style HRD-MS-2 carbon steel body pop safety valve, 450 p.s.i. maximum pressure 650° F. maximum temperature, dwg. No. B-33675 dated July 18, 1952, and G-33676 dated July 18, 1952, approved for sizes 1½", 2", 2½", 3", and 4", manufactured by Crosby Valve & Gage Company, Wren-

tham, Massachusetts, effective October 11, 1962. (It is an extension of Approval No. 162.001/6/1 dated October 11, 1957.)

Approval No. 162.001/7/1, Style HRD-MS-3 carbon steel body pop safety valve, 500 p.s.i. maximum pressure, 650° F. maximum temperature, dwg. No. B-33677 dated July 18, 1952, and G-33677 dated July 18, 1952, approved for sizes 1½" and 2", manufactured by Crosby Valve & Gage Company, Wrentham, Massachusetts, effective October 11, 1962. (It is an extension of Approval No. 162.001/7/1 dated October 11, 1957.)

Approval No. 162.001/8/1, Style HRSA-MS-3 carbon steel body pop safety valve, 500 p.s.i. maximum pressure, 750° F. maximum temperature, dwg. No. D-33678 dated July 16, 1952, and G-33678 dated July 16, 1952, approved for sizes 1½" and 2", manufactured by Crosby Valve & Gage Company, Wrentham, Massachusetts, effective October 11, 1962. (It is an extension of Approval No. 162.001/8/1 dated October 11, 1957.)

Approval No. 162.001/53/1, Type 38SV alloy steel pop safety valve, 1,500 p.s.i. maximum pressure, 1050° F. maximum temperature, dwg. Nos. B31432-2, Alt. 2 dated May 9, 1952, and C32258-1 undated, approved for sizes 1½", 2", 2½", 3", and 4", manufactured by Foster Engineering Co., 835 Lehigh Avenue, Union, New Jersey, effective October 11, 1962. (It is an extension of Approval No. 162.001/53/1 dated October 11, 1957.)

Approval No. 162.001/56/1, Type 1451 consolidated bronze body pop safety valve, 300 p.s.i. maximum pressure, 450° F. maximum temperature, dwg. No. 3VL953 dated July 28, 1952, approved for 2½" size, manufactured by Manning, Maxwell & Moore, Inc., Stratford, Connecticut, effective October 11, 1962. (It is an extension of Approval No. 162.001/56/1 dated October 11, 1957.)

Approval No. 162.001/60/1, Type 1426 consolidated duplex carbon steel body pop safety valve, 300 p.s.i. maximum pressure for sizes 3" and 4", and 600 p.s.i. maximum pressure for sizes 2" and 2½", 650° F. maximum temperature, dwg. No. 3VK953 dated June 13, 1952, approved for sizes 2", 2½", 3", and 4", manufactured by Manning, Maxwell & Moore, Inc., Stratford, Connecticut, effective October 11, 1962. (It is an extension of Approval No. 162.001/60/1 dated October 11, 1957.)

BOILERS (HEATING)

Approval No. 162.003/21/1, Model MSCH, Size 28-260, waste heat boiler, heat recovery silencer type, fitted with spark arrester, steel construction, dwg. Nos. B-476A revised July 24, 1952, and B-743 revised July 24, 1952, maximum design pressure 30 p.s.i., approval limited to bare boiler, manufactured by The Maxim Silencer Co., Hartford, Connecticut, effective October 11, 1962. (It is an extension of Approval No. 162.003/21/1 dated October 11, 1957.)

SAFETY VALVES (STEAM HEATING BOILERS)

Approval No. 162.012/3/0, Series 90 semi-steel body safety valve for steam heating boilers and unfired steam generators, dwg. No. D-90 dated July 27, 1951, approved for 1½", 2", 2½", 3", and 4" inlet sizes for a maximum pres-

sure of 30 pounds per square inch, manufactured by Mipco Division of Associated Valve Co., 337 West Walnut Street, North Wales, Pennsylvania, effective October 11, 1962. (It supersedes Approval No. 162.012/3/0 dated May 1, 1962, to show change of name of manufacturer.)

Approval No. 162.012/4/0, Series 90-E semi-steel body safety valve for steam heating boilers and unfired steam generators, dwg. No. D-90-E dated July 10, 1950, approved for 1½", 2", 2½", 3", and 4" inlet sizes for a maximum pressure of 30 pounds per square inch, manufactured by Mipco Division of Associated Valve Co., 337 West Walnut Street, North Wales, Pennsylvania, effective October 11, 1962. (It supersedes Approval No. 162.012/4/0 dated May 1, 1962, to show change in name of manufacturer.)

Approval No. 162.012/5/0, Series 92 semi-steel body safety valve for steam heating boilers and unfired steam generators, dwg. No. D-92 dated July 27, 1951, approved for 1½", 2", 2½", 3", and 4" inlet sizes for a maximum pressure of 30 pounds per square inch, manufactured by Mipco Division of Associated Valve Co., 337 West Walnut Street, North Wales, Pennsylvania, effective October 11, 1962. (It supersedes Approval No. 162.012/5/0 dated May 1, 1962, to show change in name of manufacturer.)

Approval No. 162.012/6/0, Series 92-E semi-steel body safety valve for steam heating boilers and unfired steam generators, dwg. No. D-92-E dated July 10, 1950, approved for 1½", 2", 2½", 3", and 4" inlet sizes for a maximum pressure of 30 pounds per square inch, manufactured by Mipco Division of Associated Valve Co., 337 West Walnut Street, North Wales, Pennsylvania, effective October 11, 1962. (It supersedes Approval No. 162.012/6/0 dated May 1, 1962, to show change in name of manufacturer.)

Approval No. 162.012/9/0, Cat. No. 2501 pop safety valve, bronze body, for steam heating boilers and unfired steam generators, dwg. No. A-24144, Rev. B dated April 22, 1948, approved for a maximum pressure of 30 p.s.i. in the following sizes and capacities shown below:

Size (inches):	Capacity (pounds/ hour) at 30 p.s.i.
¾	189
1	324
1¼	351
1½	495
2	711
2½	900

manufactured by Crane Co., 836 South Michigan Avenue, Chicago 5, Illinois, effective October 11, 1962. (These valves are transferred from Approval No. 162.001/85/0 issued to Crane Co., July 1, 1948.) (It is an extension of Approval No. 162.012/9/0 dated October 11, 1957.)

Approval No. 162.012/10/0, Series 70 pop safety valve, cast iron body enclosed spring standard outlet for steam heating boilers and unfired steam generators, dwg. No. P-20119, approved for a maximum pressure of 30 p.s.i. in the following sizes and capacities:

Size (inches):	Capacity (pounds/ hour) at 30 p.s.i.
1	400
1¼	659
1½	1,366
2	1,989
2½	2,497
3	3,000
4	5,112

manufactured by Mipco Division of Associated Valve Co., 337 West Walnut Street, North Wales, Pennsylvania, effective October 11, 1962. (These valves are transferred from Approval No. 162.001/87/0 issued to Marine & Industrial Products Co.) (It is an extension of Approval No. 162.012/10/0 dated October 11, 1957, and change of name and address of manufacturer.)

Approval No. 162.012/11/0, Series 70E pop safety valve, cast iron body exposed spring standard outlet for steam heating boilers and unfired steam generators, dwg. No. P-20120, approved for a maximum pressure of 30 p.s.i. in the sizes and capacities shown below:

Size (inches):	Capacity (pounds/ hour) at 30 p.s.i.
1	400
1¼	659
1½	1,366
2	1,989
2½	2,497
3	3,000
4	5,112

manufactured by Mipco Division of Associated Valve Co., 337 West Walnut Street, North Wales, Pennsylvania, effective October 11, 1962. (These valves are transferred from Approval No. 162.001/88/0 issued to Marine Industrial Products Co. August 28, 1948.) (It is an extension of Approval No. 162.012/11/0 dated October 11, 1957, and change of name and address of manufacturer.)

Approval No. 162.012/12/0, Series 72 pop safety valve, cast iron body enclosed spring expanded outlet for steam heating boilers and unfired steam generators, dwg. No. P-20119, approved for a maximum pressure of 30 p.s.i. in the sizes and capacities shown below:

Size (inches):	Capacity (pounds/ hour) at 30 p.s.i.
1	400
1¼	659
1½	1,366
2	1,989
2½	2,497
3	3,000
4	5,112

manufactured by Mipco Division of Associated Valve Co., 337 West Walnut Street, North Wales, Pennsylvania, effective October 11, 1962. (These valves are transferred from Approval No. 162.001/89/0 issued to Marine & Industrial Products Co., August 28, 1948.) (It is an extension of Approval No. 162.012/12/0 dated October 11, 1957, and change of name and address of manufacturer.)

Approval No. 162.012/13/0, Series 72E pop safety valve, cast iron body exposed

spring expanded outlet for steam heating boilers and unfired steam generators, dwg. No. P-20120, approved for a maximum pressure of 30 p.s.i. in the sizes and capacities shown below:

Size (inches):	Capacity (pounds/ hour) at 30 p.s.i.
1	400
1¼	659
1½	1,366
2	1,989
2½	2,497
3	3,000
4	5,112

manufactured by Mipco Division of Associated Valve Co., 337 West Walnut Street, North Wales, Pennsylvania, effective October 11, 1962. (These valves are transferred from Approval No. 162.001/90/0 issued to Marine & Industrial Products Co., August 28, 1948.) (It is an extension of approval No. 162.012/13/0 dated October 11, 1957, and change of name and address of manufacturer.)

Approval No. 162.012/14/0, Series 5 pop safety valve, bronze body, for steam heating boilers and unfired steam generators, dwg. No. D-5L-2½ dated December 14, 1948, approved for a maximum pressure of 30 p.s.i. in the sizes and capacities shown below:

Size (inches):	Capacity (pounds/ hour) at 30 p.s.i.
¾	219
1	306
1¼	576
1½	1,060
2	1,070

manufactured by Mipco Division of Associated Valve Co., 337 West Walnut Street, North Wales, Pennsylvania, effective October 11, 1962. (These valves are transferred from Approval No. 162.001/100/0 issued to Marine & Industrial Products Co. February 19, 1949.) (It is an extension of Approval No. 162.012/14/0 dated October 11, 1957, and change of name and address of manufacturer.)

BROMOTRIFLUOROMETHANE TYPE FIRE EXTINGUISHING SYSTEMS

Approval No. 162.035/1/0, Kidde Bromotrifluoromethane (CBF₃) Fire Extinguishing Systems for Hydrofoil Craft, Typical Installation dwg. No. L-98754-A dated February 28, 1962, Rev. A dated July 25, 1962, manufactured by Walter Kidde & Company, Inc., Belleville 9, New Jersey, effective October 4, 1962.

INCOMBUSTIBLE MATERIALS

Approval No. 164.009/10/2, Fiberglas Insulation Type TW-MC, glass wool insulation type incombustible material identical to that described in National Bureau of Standards Tests Report No. TG-3610-1493, FP2569, dated November 10, 1947, and National Bureau of Standards Test Report No. TG10210-1624:FP2806, dated August 9, 1949, modified by Owens-Corning Fiberglas Corporation letter dated July 9, 1952, approved in a 2- to 3½-pound per cubic foot density, manufactured by Owens-Corning Fiberglas Corp., Toledo 1, Ohio,

effective October 11, 1962. (It is an extension of Approval No. 164.001/10/2 dated October 11, 1957.)

Dated: December 26, 1962.

[SEAL] E. J. ROLAND,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 63-74; Filed, Jan. 3, 1963;
8:50 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management ALASKA

Notice of Proposed Withdrawal and Reservation of Lands

The Department of the Army has filed an application, Serial Number A-058403 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining and mineral leasing laws. The applicant desires the land for an impact area.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

EKLUTNA GLACIER AREA

A tract of land located approximately 10 miles south of Eklutna Lake within the Chugach Mountains, and more specifically described as follows: Commencing at a point identical with latitude 61°11'00" N., longitude 148°57'19" W., the true point of beginning for this description; thence S. 49°30' E., 1,954 feet; thence S. 40°30' W., 1,531 feet; thence N. 49°30' W., 1,954 feet; thence N. 40°30' E., 1,531 feet to the point of beginning.

Containing 68.68 acres, more or less.

WALTER F. HOLMES,
Acting Chief, Division of
Lands and Minerals Management.

[F.R. Doc. 63-64; Filed, Jan. 3, 1963;
8:49 a.m.]

CALIFORNIA

Notice of Filing of Plat of Survey and Order Providing for Opening of Public Lands

DECEMBER 27, 1962.

1. Plat of survey of the following described land will be officially filed in the Land Office, Sacramento, California, effective at 10:00 a.m. on January 31, 1963.

MOUNT DIABLO MERIDIAN

T. 2 N., R. 5 W.,

Sec. 19, Lot 1: small island known as "Rat Rock Island" containing 0.08 acre.

2. The plat represents the extent of public land as defined by the line of mean high water on Rat Rock Island in San Pablo Bay, Marin County.

3. Rat Rock Island is located approximately 300 feet off shore from the mainland, most of which lies within the city limits of San Rafael, Marin County. The island is relatively flat with annual and some perennial plants, including one tree. It rises abruptly out of the water and is high enough to make ascents from the shore difficult.

4. No applications for the land will be allowed under the homestead, desert land, small tract, or other nonmineral public land law, unless the land has already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The land will not be subject to occupancy or disposition until it has been classified.

5. Subject to any existing valid rights and the requirements of applicable law, the afore-described land is hereby opened to filing of applications and selections in accordance with the following:

a. Applications and selections under the nonmineral public land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and date shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications and selections under the nonmineral public land laws presented prior to 10:00 a.m. on January 31, 1963, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The land has been open to applications and offers under the mineral leasing laws and to locations under the mining laws.

6. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

7. Inquiries concerning this land shall be addressed to the Manager, Land Office, Bureau of Land Management, United States Department of the Interior, Room 4201, U.S. Courthouse and Federal Building, 650 Capitol Avenue, Sacramento 14, California.

WALTER E. BECK,
Manager, Land Office,
Sacramento.

[F.R. Doc. 63-62; Filed, Jan. 3, 1963;
8:49 a.m.]

IDAHO

Notice of Filing of Plat of Survey; Correction

DECEMBER 27, 1962.

In Federal Register Document 62-12044, appearing on page 12069 of the issue for December 6, 1962, the area was incorrectly described as aggregating 949.70 acres. The aggregate acreage is corrected to read 1,075.39 acres.

EUGENE E. BABIN,
Acting Land Office Manager,
Boise, Idaho.

[F.R. Doc. 63-63; Filed, Jan. 3, 1963;
8:49 a.m.]

FEDERAL MARITIME COMMISSION

[Commission Order 1; Amdt. 1]

EXECUTIVE DIRECTOR

Delegation of Authority To Issue or Deny Licenses to Independent Ocean Freight Forwarders

The basic order is hereby amended to provide for an additional delegation of authority to the Executive Director in the matter of the issuance and denial of licenses to independent ocean freight forwarders pursuant to Public Law 87-254 (75 Stat. 522-3). Accordingly, sec. 7.04 of Commission Order 1 is restated as follows:

7.04 Authority to approve, within the framework of prescribed Commission policy and criteria, applications for licenses and to issue licenses to persons, partnerships, corporations, or associations desiring to engage in the business of ocean freight forwarding; to grant extensions of time to file the required security; to issue a letter of intent to deny and to deny any application for which the required security has not been filed; and to recommend to the Commission the denial of any other application when in his judgment it is warranted.

Dated: December 19, 1962.

THOS. E. STAKEM,
Chairman.

[F.R. Doc. 63-68; Filed, Jan. 3, 1963;
8:46 a.m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

ACTING REGIONAL ADMINISTRATOR,
REGION V (FORT WORTH)

Designation

Robert C. Robinson, Assistant Commissioner for Field Operations, Urban Renewal Administration, Housing and Home Finance Agency, is hereby designated to serve as Acting Regional Administrator, Region V (Fort Worth), during the present vacancy in the position of Regional Administrator, Region V, with all the powers, functions, and duties delegated or assigned to the Regional Administrator.

In the absence of Robert C. Robinson, the Deputy Regional Administrator, Region V (Fort Worth) is hereby designated to serve as Acting Regional Administrator, Region V.

(62 Stat. 1283 (1946), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c)

Effective as of the 1st day of January, 1963.

[SEAL]

ROBERT C. WEAVER,
Housing and Home
Finance Administrator.

[F.R. Doc. 63-72; Filed, Jan. 3, 1963;
8:50 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

IDENTIFICATION OF CARCASSES OF CERTAIN HUMANELY SLAUGHTERED LIVESTOCK

List of Establishments

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904) and the statement of policy thereunder in 9 CFR Part 181 the following table lists the establishments operated under Federal inspection under the Meat Inspection Act (21 U.S.C. 71 et seq.) which were officially reported on December 1, 1962, as humanely slaughtering and handling on that date the species of livestock respectively designated for such establishments in the table. Establishments reported after December 1, as using humane methods on December 1 or a later date in December will be listed in a supplemental list. Previously published lists represented establishments reported in November or December 1962 as humanely slaughtering and handling the designated species of livestock on November 1 or some later date in November 1962 (27 F.R. 12146 and 12591). The establishment number given with the name of the establishment is branded on each carcass of livestock inspected at that establishment. The table should not be understood to indicate that all species of livestock slaughtered at a listed establishment are slaughtered and

handled by humane methods unless all species are listed for that establishment in the table. Nor should the table be

understood to indicate that the affiliates of any listed establishment use only humane methods:

Name of establishments	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Armour and Co.	2AD	(C)	(C)				
Do.	2AT	(C)		(C)			
Do.	2B		(C)			(C)	
Do.	2C	(C)					
Do.	2E			(C)			
Do.	2H	(C)				(C)	
Do.	2LT	(C)					
Do.	2SD	(C)		(C)	(C)		
Do.	2WN	(C)					
Swift and Co.	3A	(C)		(C)			
Do.	3AC	(C)				(C)	
Do.	3AE	(C)					
Do.	3AN	(C)				(C)	
Do.	3AW	(C)					
Do.	3B	(C)					
Do.	3C	(C)				(C)	
Do.	3CC	(C)					
Do.	3D	(C)					
Do.	3E	(C)					
Do.	3F	(C)			(C)		
Do.	3H	(C)				(C)	
Do.	3K	(C)					
Do.	3L	(C)					
Do.	3N	(C)					
Do.	3U	(C)					
Do.	3W	(C)					
Hygrade Food Products Corp.	12	(C)		(C)			
Do.	12A	(C)					
Do.	12C	(C)		(C)			
Do.	12D	(C)					
Do.	12P	(C)					
Mickelberrys Food Products Co.	16						
John Morrell and Co.	17	(C)					
Do.	17A	(C)					
Do.	17D	(C)		(C)			
The Cudahy Packing Co.	19	(C)					
Do.	19E	(C)		(C)			
Wilson and Co., Inc.	20A	(C)					
Do.	20N	(C)		(C)			
Do.	20Q	(C)					
The Sperry and Barnes Co.	27C	(C)					
Patrick Cudahy, Inc.	28	(C)					
Krelnberg and Krasny, Inc.	30	(C)					
Valleydale Packers, Inc.	34	(C)					
Pocomoke Provision Co.	39	(C)		(C)			
Armour and Co.	40	(C)					
Stark Wetzel and Co., Inc.	44	(C)					
Do.	44A	(C)					
Nevada Meat Packing Co.	53	(C)					
Glover Packing Co. of Amarillo.	60	(C)					
Glover Packing Co.	60A	(C)		(C)	(C)		
Malone Packing Co.	65	(C)					
Somerville Packing Co.	66	(C)					
The Quaker Oats Co.	67E	(C)					
Minch's Wholesale Meats, Inc.	72	(C)		(C)			(C)
Eastern Packing Co.	74E	(C)					
Armour and Co.	75	(C)		(C)	(C)		
The Braun Brothers Packing Co.	79	(C)					
City Packing Co.	80	(C)					
Edgar Packing Co.	84	(C)					
Excel Packing Co., Inc.	86	(C)					
The E. Kahns Sons, Co.	90	(C)		(C)			
Hygrade Food Products Corp.	92	(C)					
Sugardale Provision Co.	95	(C)					
The Val Decker Packing Co.	97	(C)		(C)			
John Engelhorn and Sons.	98	(C)					
A. Kochs Sons.	100	(C)					
Armour and Co.	103	(C)					
H. Graver & Co.	107	(C)					
J. Lynn Cornwell, Inc.	110	(C)					
Contris Packing Co., Inc.	111	(C)					
Wilson and Co., Inc.	112	(C)					
Hoffman Packing Company, Inc.	113	(C)					
Morris Packing Co.	116	(C)					
The Merchants Co.	117	(C)					
West Coast Meat Co., Inc.	121	(C)					
Marhoefer Packing Co., Inc.	122	(C)					
E. J. Archie and Sons, Inc.	125	(C)					
City Dressed Beef	127	(C)					
Superior Packing Co.	130	(C)					
John Roth and Son, Inc.	133	(C)					
Tobin Packing Co., Inc.	142	(C)					
Edward J. Klueener, Inc.	144	(C)					
R. B. Rice Sausage Co., Inc.	156	(C)					
Kansas City Dressed Beef Co.	159A	(C)					
Missouri Farmers Assn. Packing Division	162	(C)					
Joel E. Harrell and Son, Inc.	166A	(C)					
Swift and Co.	170	(C)					
Dekalb Packing Co.	173	(C)					
K. Shapiro, Inc.	177	(C)					
Armour and Co.	180	(C)					
Peerless Packing Co.	186	(C)					
The Rath Packing Co.	186C	(C)					
Do.	186F	(C)					
Do.	191	(C)					
Seattle Packing Co.	192	(C)					
Krey Packing Co.	196	(C)					
John Morrell and Co.	197	(C)					
Hynes Packing Co.	199	(C)					
George A. Hormel and Co.	199A	(C)					
Do.	199D	(C)					
Do.	199I	(C)					
Do.	199N	(C)					

Name of establishments	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Cudahy Packing Co.	202	∘∘∘∘∘	∘			∘∘	
Emge Packing Co., Inc.	205						
Heinz's Riverside Abattoir, Inc.	210						
Elburn Packing Co.	213						
Kneip Packing Co.	213C						
Fred Ford and Sons Packing Co.	214						
Lincoln Meat Co.	217	∘∘					
York Packing Co., Inc.	220						
Gwaltney, d Co.	221A	∘∘∘∘∘				∘∘∘	
Armour Packing Co.	222						
Hygrade Food Products Corp.	224						
Do	224B						
Walt Schilling and Co., Inc.	225						
Texas Technological College.	236						
Raskin Packing Co.	237						
Armour and Co.	238						
P. D. and J. Meats	240						
Greenwood Packing Plant.	242						
Iowa Beef Packers, Inc.	245						
Do	245A						
John Morrell and Co.	246						
Harget Realty Corp.	247						
Prairie Packing Company	253						
Balentine Packing Co.	258						
Ryplains Dressed Beef, Inc.	262						
The Jones Dairy Farm	263						
Lubbock Packing Co.	266						
Tog Packing Co., Inc.	273						
Elliott Packing Co.	274						
Wilson and Co., Inc.	275						
Agar Packing Co., Inc.	282						
Do	282B						
Figge and Hutwagner Co.	283						
Solano Meat Co.	285						
Western Packing Co.	288						
Arbogast and Bastian Co.	289						
The H. H. Meyer Packing Co.	290						
San Jose Meat Co.	291						
Sionx City Dressed Pork, Inc.	292						
Gus Juengling and Son, Inc.	298						
Waldock Packing Co.	301						
Great Falls Meat Co.	302						
Commercial Packing Co., Inc.	305						
Union Packing Co.	306						
Star Packing Co.	307						
Survall Packing Co.	312						
Ideal Packing Co., Inc.	316						
Webb Packing Co., Inc.	320						
Turlock Meat Co.	325						
Frisco Packing Co.	327						
Royal Packing Co.	331						
Sokolik Packing Co., Inc.	331A						
Shapiro Packing Co.	332						
Great Western Packing Co., Inc.	334						
Nobles Independent Meat Co.	335						
Midland Empire Packing Co., Inc.	339						
Peters Packing Co., Inc.	341						
State Packing Co., Inc.	344						
Union Packing Co.	351						
Samuels E. Tex. Packing Co.	353						
Hel Packing Co.	357						
Marks Meat Co.	362						
Meysers Packing Co.	363						
Montebello Meat Packing Co.	364						
James Allan and Sons	365						
Westport Packing Corp.	369						
Bowling Provision Co., Inc.	372						
Fischer Packing Co.	374						
Emge Packing Co., Inc.	380						
Smithfield Packing Co., Inc.	382						
American Stores Co.	384						
Liebmann Packing Co.	388						
Dugdale Packing Co.	390						
Oldhams Farm Sausage Co., Inc.	392						
Roth Packing Co.	394						
Robert L. Runtz, Inc.	395						
Dubuque Packing Co.	396						
Logan Packing Co.	397						
Watsonville Dressed Beef, Inc.	398						
Superior Packing Co.	399						
Los Banos Abattoir.	400	∘∘∘∘∘	∘			∘	
Mon Dak Meat Packing Co., Inc.	405						
Endlich Packing Co., Inc.	410						
Alpine Packing Co.	412						
The Lundy Packing Co.	413						
Frosty Morn Meats.	414						
Murray Packing Co., Inc.	421						
The Collins Packing Co.	423						
Hebron Packing Co., Inc.	425						
Monarch Meat Packing Co.	433						
Queen Packing Corp.	436						
Schneider Packing Co.	439						
Omaha Dressed Beef Co., Inc.	441						
Prime Packing Co., Inc.	443						
Peerless Packing Co., Inc.	445						
Swift and Co.	449						
Morris Rifkin and Sons, Inc.	462						
Lancaster Packing Co.	467						
Beowar Packing Co.	468						
Corn Husker Packing Co.	471						
Eckert Packing Co.	478						
Eldridge Packing Co.	483						
Middletown Beef Co., Inc.	485						
St. Cloud Meat Packing Co.	487						
East Tennessee Packing Co.	489						
Nebraska Beef Co.	490						
Golding Packing Co., Inc.	494						
Mid State Meat Packers, Inc.	501						
Greene Pack Co.	506						
B. Rotinschild and Co.	508						
Gruesfelder Packing Co.	509						
Armour and Co.	511						
Shen Valley Meat Packers, Inc.	517						
Charles Miller and Co.	521						
Illinois Packing Co.	524						
Pearl Packing Co., Inc.	529						
Smallwood Packing Co., Inc.	532						
Omaha Packing Co.	535						
Rosenthal Packing Co., Inc.	537A						
Oscar Mayer and Co., Inc.	537C						
Do.	538						
Midwest Packing Co.	538						
United Dressed Meats, Inc.	546						
Pride Packing Co., Inc.	549						
Plute Packing Co.	550						
Black Hills Packing Co.	554						
Springfield Packing Co.	555D						
Packland Packing Co., Inc.	562						
John Marshall and Co.	564						
Elmer Brader & Son, Inc.	569						
Prosky Morn Meats, Inc.	576						
Kingsford Packing Co., Inc.	581						
Smith & Co.	591						
Central Packing Co.	606						
Neutal Tea Co.	613						
Donner Packing Co.	614						
Acme Meat Co., Inc.	618						
Hill Packing Co.	623E						
Big Foot Packing Co., Inc.	627						
General Meat Co.	632						
Elmer Bros. Packers	633						
Zipron Bro., Inc.	635						
Auburn Packing Co., Inc.	636						
R. and C. Packing Co.	645						
Bird Provision Co.	647						
Spencer Packing Co.	648						
Wm. Schlunderberg-T. J. Kurdle Co.	649						
John Morrell and Co.	650						
Nagle Packing Co.	653						
Milwaukee Dressed Beef Co.	654						
Baums Bologna, Inc.	657						
St. Louis Dressed Beef Co.	659						
Quality Meat Packing Co.	661						
Western Meat Packers, Inc.	662						
Webber Sausage Co., Inc.	665						
Crown Packing Co.	666						
San Joaquin Packing Co.	671						
Union Packing Co.	673						
Jacob Bauers Sons, Inc.	678						
Colville Meats, Inc.	679						
Armour and Co.	680						
The William Fockes Sons, Co.	685						

Name of establishments	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
The Sucher Packing Co.	689	(*)	(*)	(*)	(*)	(*)	(*)
Pierce Packing Co.	691	(*)	(*)	(*)	(*)	(*)	(*)
Kramer Beef Co.	695	(*)	(*)	(*)	(*)	(*)	(*)
Davenport Packing Co., Inc.	716	(*)	(*)	(*)	(*)	(*)	(*)
Farnbest, Inc.	717	(*)	(*)	(*)	(*)	(*)	(*)
The Joseph N. Rice Co.	719	(*)	(*)	(*)	(*)	(*)	(*)
Swift and Co.	726	(*)	(*)	(*)	(*)	(*)	(*)
Vogt Packing Co.	730	(*)	(*)	(*)	(*)	(*)	(*)
Western Packers	733	(*)	(*)	(*)	(*)	(*)	(*)
The Quaker Oats Co.	734E	(*)	(*)	(*)	(*)	(*)	(*)
The Jacob Schlachter's Son & Co.	739	(*)	(*)	(*)	(*)	(*)	(*)
Mid State Meat Co.	741	(*)	(*)	(*)	(*)	(*)	(*)
Howard Pancero and Co.	747	(*)	(*)	(*)	(*)	(*)	(*)
Luck Brothers Cooperative Packing Co.	753	(*)	(*)	(*)	(*)	(*)	(*)
Monroe Packing Co., Inc.	755	(*)	(*)	(*)	(*)	(*)	(*)
Seltz Packing Co., Inc.	756A	(*)	(*)	(*)	(*)	(*)	(*)
The American Meat Packing Corp.	760	(*)	(*)	(*)	(*)	(*)	(*)
Schaake Packing Co., Inc.	761	(*)	(*)	(*)	(*)	(*)	(*)
Sheridan Meat Co., Inc.	768	(*)	(*)	(*)	(*)	(*)	(*)
Modern Meat Packing Co.	774	(*)	(*)	(*)	(*)	(*)	(*)
Atlas Packing Co.	775	(*)	(*)	(*)	(*)	(*)	(*)
The Cudahy Packing Co.	779	(*)	(*)	(*)	(*)	(*)	(*)
Granite State Packing Co.	785	(*)	(*)	(*)	(*)	(*)	(*)
Aurora Packing Co., Inc.	788	(*)	(*)	(*)	(*)	(*)	(*)
Wimp Packing Co.	791	(*)	(*)	(*)	(*)	(*)	(*)
Max Bauer Meat Packer	800	(*)	(*)	(*)	(*)	(*)	(*)
The G. Erhardt Sons, Inc.	810	(*)	(*)	(*)	(*)	(*)	(*)
Goldring Packing Co., Inc.	811	(*)	(*)	(*)	(*)	(*)	(*)
William N. H. Peters	813	(*)	(*)	(*)	(*)	(*)	(*)
Rochester Independent Packer, Inc.	817	(*)	(*)	(*)	(*)	(*)	(*)
Henry Meyers Sons, Inc.	822	(*)	(*)	(*)	(*)	(*)	(*)
Home Packing Co.	823	(*)	(*)	(*)	(*)	(*)	(*)
Hibbs Packing Co.	825	(*)	(*)	(*)	(*)	(*)	(*)
Penford Packing Co.	827	(*)	(*)	(*)	(*)	(*)	(*)
Bristol Packing Co.	828	(*)	(*)	(*)	(*)	(*)	(*)
Berehems Meat Co.	830	(*)	(*)	(*)	(*)	(*)	(*)
White Packing Co., Inc.	835	(*)	(*)	(*)	(*)	(*)	(*)
John Morrell and Co.	836	(*)	(*)	(*)	(*)	(*)	(*)
Frederick County Products, Inc.	838	(*)	(*)	(*)	(*)	(*)	(*)
Herman Kempers Sons	839	(*)	(*)	(*)	(*)	(*)	(*)
G. Bartusch Packing Co.	843	(*)	(*)	(*)	(*)	(*)	(*)
Sioux City Dressed Beef, Inc.	857	(*)	(*)	(*)	(*)	(*)	(*)
Siouxland Dressed Beef Co., Div. of Needh	857F	(*)	(*)	(*)	(*)	(*)	(*)
Montana Packing Co.	857G	(*)	(*)	(*)	(*)	(*)	(*)
Jordan Meat & Livestock Co.	858	(*)	(*)	(*)	(*)	(*)	(*)
Sam McDaniel and Sons, Inc.	859	(*)	(*)	(*)	(*)	(*)	(*)
Gunsberg Beef Company	867	(*)	(*)	(*)	(*)	(*)	(*)
Genesee Packing Co.	868	(*)	(*)	(*)	(*)	(*)	(*)
Alco Packing Co.	885	(*)	(*)	(*)	(*)	(*)	(*)
Walden Packing Co., Inc.	886	(*)	(*)	(*)	(*)	(*)	(*)
William Davies Co., Inc.	888A	(*)	(*)	(*)	(*)	(*)	(*)
O'Neill Packing Co.	889	(*)	(*)	(*)	(*)	(*)	(*)
Sambol Packing Co.	892	(*)	(*)	(*)	(*)	(*)	(*)
Vernon Calhoun Packing Co.	897	(*)	(*)	(*)	(*)	(*)	(*)
Meats, Inc.	899	(*)	(*)	(*)	(*)	(*)	(*)
Kanes Dressed Beef	907	(*)	(*)	(*)	(*)	(*)	(*)
Hoosier Veterinary Laboratories, Inc.	912	(*)	(*)	(*)	(*)	(*)	(*)
B. Constantino and Sons Co.	918	(*)	(*)	(*)	(*)	(*)	(*)
Valleydale Packers Inc. of Bristol	922	(*)	(*)	(*)	(*)	(*)	(*)
Wisconsin Packing Co.	924	(*)	(*)	(*)	(*)	(*)	(*)
Peoples Packing Co.	925	(*)	(*)	(*)	(*)	(*)	(*)
Kerber Packing Co.	929	(*)	(*)	(*)	(*)	(*)	(*)
Tarpoft Packing Co.	931	(*)	(*)	(*)	(*)	(*)	(*)
McKenney Meat Co.	932	(*)	(*)	(*)	(*)	(*)	(*)
Volz Packing Co.	938	(*)	(*)	(*)	(*)	(*)	(*)
Gentner Packing Co., Inc.	941	(*)	(*)	(*)	(*)	(*)	(*)
Whitehall Packing Co.	946	(*)	(*)	(*)	(*)	(*)	(*)
Joe Doctorman and Son Packing Co., Inc.	949	(*)	(*)	(*)	(*)	(*)	(*)
Armour and Co.	956	(*)	(*)	(*)	(*)	(*)	(*)
Reliable Packing Co., Inc.	959	(*)	(*)	(*)	(*)	(*)	(*)
Greater Omaha Packing Co., Inc.	960	(*)	(*)	(*)	(*)	(*)	(*)
Virginia Packing Co., Inc.	963	(*)	(*)	(*)	(*)	(*)	(*)
T. L. Lay Packing Co.	967	(*)	(*)	(*)	(*)	(*)	(*)
Reitz Meat Products Co.	983	(*)	(*)	(*)	(*)	(*)	(*)
Hospers Packing Company	985	(*)	(*)	(*)	(*)	(*)	(*)
Eagle Packing Co.	987	(*)	(*)	(*)	(*)	(*)	(*)
Everett C. Horlein and Son, Inc.	988	(*)	(*)	(*)	(*)	(*)	(*)
The Klarer Co.	995	(*)	(*)	(*)	(*)	(*)	(*)
Do	995A	(*)	(*)	(*)	(*)	(*)	(*)
Do	995C	(*)	(*)	(*)	(*)	(*)	(*)
Valley Meat Co.	1009	(*)	(*)	(*)	(*)	(*)	(*)
Armour and Co.	1085	(*)	(*)	(*)	(*)	(*)	(*)
Landy Packing Co.	1171	(*)	(*)	(*)	(*)	(*)	(*)
The Harris Packing Co.	1175	(*)	(*)	(*)	(*)	(*)	(*)
Wayne Packing Co.	1303	(*)	(*)	(*)	(*)	(*)	(*)
McCabe Packing Plant	1312	(*)	(*)	(*)	(*)	(*)	(*)
H. and H. Packing Co.	1315	(*)	(*)	(*)	(*)	(*)	(*)
Nebraska Iowa Dressed Beef Co.	1318	(*)	(*)	(*)	(*)	(*)	(*)
Stevens Meat Co., Inc.	1485	(*)	(*)	(*)	(*)	(*)	(*)

357 establishments reported.

Done at Washington, D.C., this 21st day of December 1962.

R. K. SOMERS,
Meat Inspection Division,
Agricultural Research Service.

[F.R. Doc. 63-44; Filed, Jan. 3, 1963; 8:45 a.m.]

Forest Service

ORGANIZATION, FUNCTIONS AND DELEGATION OF AUTHORITY

Miscellaneous Amendments

Pursuant to the Order of the Secretary of December 24, 1953 (19 F.R. 74), as amended, the statement on organization, functions and delegation of authority of the Forest Service, United States Department of Agriculture, is amended as follows:

Section 21(e) of the organizational statement, as amended (14 F.R. 7461) and supplemented, is amended to read:

(e) (1) Under the provision of the Act of May 27, 1930, as amended (16 U.S.C. 574), reimbursement in an amount not exceeding \$2,500 on any one claim may be made to owners of private property for damage or destruction thereof caused by employees of the United States in connection with the protection, administration, or improvement of the National Forests: *Provided*, That such claims are supported by paid bills, estimates, or other legally acceptable evidence of damage, and findings by a responsible administrative officer that the damage or destruction was caused by an employee of the United States, without negligence, in connection with the protection, administration or improvement of the National Forests: *And provided further*, That such claims are approved by a duly authorized Forest Officer.

The Chief of the Forest Service has been authorized to approve for payment or to reject claims for damage or destruction of private property under this Act and to delegate this authority. Authority is hereby delegated to Regional Foresters and Directors of Forest Research Stations to approve for payment or to reject claims for damage or destruction of private property under this Act.

Persons whose claims are disapproved by a duly authorized Forest Officer shall be notified of the decision by the Forest Officer who made the decision.

In case of rejection, the claimant shall have the right of appeal to the Chief of the Forest Service.

Approved claims shall be paid from any funds appropriated for the protection, administration and improvement of the National Forests through regular disbursing channels.

(2) Under the provisions of the Act of March 4, 1913 as amended, (16 U.S.C. 502; 37 Stat. 843, 46 Stat. 1052, 72 Stat. 216), reimbursement may be made to owners for loss, damage, or destruction of horses, vehicles, and other equipment obtained by the Forest Service, for the use of that service from employees or other private owners, except when due to ordinary wear and tear or to causes the risk of which are assumed by the owner under the terms of the agreement, whether written or verbal: *Provided*, That except for firefighting emergencies

no reimbursement in excess of \$50 shall be made to persons who were employees of the Forest Service prior to the time the equipment was obtained or \$2,500 in any other case, unless the equipment was made available under a written agreement, contract, or lease executed prior to the loss, damage, or destruction which is the basis for such claim: *Provided further*, That such claims are supported by paid bills, estimates, or other legally acceptable evidence of damage and a statement from a responsible administrative officer which (a) provides the circumstances under which the loss, damage or destruction occurred, (b) includes a certification that such loss, damage, or destruction was not caused by the negligence of an employee of the United States, and (c) establishes the fact that the property was obtained for, and was under the jurisdiction of, the United States: *And provided further*, That such claims are approved by a duly authorized Forest Officer.

The Chief of the Forest Service has been authorized to approve for payment or to reject claims for loss, damage, or destruction of property under this Act and to delegate this authority. Authority is hereby delegated to Regional Foresters and Directors of Forest Research Stations to approve for payment or to reject claims for loss, damage, or destruction of property under this Act.

Persons whose claims are disapproved by a duly authorized Forest Officer shall be notified of the decision by the Forest Officer who made such a decision.

In case of rejection, the claimant shall have the right of appeal to the Chief of the Forest Service.

Approved claims may be paid from the applicable appropriation for the Forest Service through regular disbursing channels.

Done at Washington, D.C., this 21st day of December 1962.

M. M. NELSON,
Acting Chief,
Forest Service.

[F.R. Doc. 63-71; Filed, Jan. 3, 1963;
8:50 a.m.]

TARIFF COMMISSION

SAFETY PINS

Reports to the President

DECEMBER 31, 1962.

The U.S. Tariff Commission today submitted to the President its fourth periodic report on the developments in the trade in safety pins since the "escape clause" action, on December 31, 1957, modifying the concession granted in the General Agreement on Tariffs and Trade on such pins classifiable under paragraph 350 of the Tariff Act of 1930. This report was made pursuant to paragraph 1 of Executive Order 10401 of October 14, 1952, which order prescribes procedures for the periodic review of escape-clause actions. Such review is limited to the determination of whether a con-

cession that has been modified or withdrawn can be restored in whole or in part without causing or threatening serious injury to the domestic industry concerned. The report is also a report to the President for the purpose of section 351(d) (1) of the Trade Expansion Act of 1962.

In submitting its report, the Commission advised the President that the conditions of competition between imported and domestic safety pins had not so changed as to warrant the institution of a formal investigation under the provisions of paragraph 2 of Executive Order 10401 or any action under section 351(d) (2) (5) of the Trade Expansion Act of 1962. This means that, in the Commission's view, the developments in the trade in safety pins do not warrant a formal inquiry into the question of whether a reduction in the duty on safety pins could be made without resulting in serious injury to the domestic industry concerned.

Copies of the Commission's report are available upon request as long as the limited supply lasts. Requests should be addressed to the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington 25, D.C.

[SEAL]

DONN N. BENT,
Secretary.

[F.R. Doc. 63-65; Filed, Jan. 3, 1963;
8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24FW-1307]

WESTERN OIL & GAS LEASE CO.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

DECEMBER 28, 1962.

I. Western Oil & Gas Lease Company (issuer), First National Bank Building, Abilene, Texas, a Texas partnership, filed with the Commission on December 4, 1962, a notification on Form 1-A and an offering circular relating to an offering of investment contracts, the same being 7,880 acres of oil and gas leases in 40-acre tracts at a cash price of \$8.00 per acre, for an aggregate offering of \$63,040, or an installment price of \$8.50 per acre, for an aggregate offering of \$66,980, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that:

A. The offering circular omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, in that:

1. It fails to disclose, with respect to the leases offered, their location relative to oil production, natural gas production, and dry holes, together with the depth of such dry holes, if any, and

the names of the respective operators on such dry holes.

2. It fails to disclose that the leases being offered are those which were obtainable at the lowest price per acre, which would indicate that there was no informed opinion that such leases were located in areas with favorable attributes that could be determined by purchasers of leases.

3. It fails to disclose that the distribution of the leases in 40-acre tracts to scattered investors throughout the country does not facilitate exploratory activities, if such activities should be undertaken, since one or more persons could hold up such activities by exorbitant demands.

4. It fails to disclose the price paid per acre for the leases by W. C. Smith, from whom the leases are to be purchased by the issuer.

5. It fails to disclose whether or not any geological survey has been made and, if so, the results thereof.

6. It fails to disclose the terms and conditions of the leases, including the number of years for which they run and whether or not any delay rentals or any other payments are required to keep the leases in effect.

7. It fails to disclose clearly that the issuer has no cash or other assets available to cover issuer's expenses in making this offering and that any such expenses could be paid only out of funds received from the offering.

B. The offering would operate as a fraud and deceit upon purchasers, in violation of section 17(a) of the Securities Act of 1933.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption under Regulation A be temporarily suspended: *It is ordered*, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any persons having any interest in the matter may file with the Secretary of the Commission a written request for hearing within 30 days after the entry of this order; that within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested, and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless, or until, it is modified or vacated by the Commission; and that notice of the time and place for such hearing will be promptly given by the Commission.

By the Commission.

[SEAL]

ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 63-66; Filed, Jan. 3, 1963;
8:45 a.m.]

CUMULATIVE CODIFICATION GUIDE—JANUARY

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